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August 5, 2015

Garrett Damrath, Division of Environmental Planning
California Department of Transportation, District 7
100 South Main Street, MS-16
Los Angeles, CA 90012

RE: March 2015 SR-710 North Study Draft Environmental Impact Report/Environmental Impact Statement and Draft Section 4(f) De Minimis Findings (Vol. 1) (SCH# 1982092310) – City of South Pasadena Comments

Dear Mr. Damrath,

The City of South Pasadena (City) appreciates the opportunity to review and comment on the State Route 710 (SR-710) North Study Draft Environmental Impact Report and Environmental Impact Statement (Draft EIR/EIS). The City, whose community interest in matters related to SR-710 spans decades, participates as a member city of the 5-Cities Alliance and joins in and adopts the comments and attachments provided in the letter dated July 9, 2015, submitted by Shute, Mihaly, and Weinberger, LLP (SMW Letter) on behalf of that 5-Cities Alliance (Glendale, La Cañada Flintridge, Pasadena, Sierra Madre and South Pasadena) and the SMW comment letter regarding the June 19, 2015, Analysis of Costs and Benefits for the State Route 710 North Study Alternatives (CBA).

The City also joins in Nelson Nygaard's letter on behalf of the Connected Cities and Communities (Glendale, La Cañada Flintridge, Pasadena, Sierra Madre, National Trust for Historic Preservation, Natural Resources Defense Council, and No 710 Action Committee) in describing and advancing the community-based alternative, *Beyond the 710: Moving Forward — New Initiative for Mobility and Community* (Beyond the 710 Initiative). The United States District Court enjoined the proposed SR-710 surface freeway extension in large part because of Caltrans' dismissal of the City's 1993 Multi-Mode Low Build Alternative (*City of South Pasadena v. Slater* (C.D. Cal. 2011) 56 F. Supp. 2d 1106, 1127–28.)

The City urges Caltrans not to make the same mistake in response to the new Beyond the 710 Initiative. Perhaps this decision led the Draft Project Report to recognize the “high risk” that “new alternatives [may be] required to avoid, mitigate or minimize impact” and that “project opponents [would] develop ‘community’ alternative and insist that we evaluate it.” (See Draft Project Report: State Route 710 North Study, Attachment O, Item #35 at p. 5.) As anticipated, the City has indeed participated in the development of a “community alternative” and insists that Caltrans carefully consider and evaluate the feasibility of the Beyond the 710 Initiative. The City urges Caltrans to give due consideration to the regionally significant and widely supported alternative embodied in the new Beyond the 710 Initiative. The South Pasadena City Council opposes all alternatives in the flawed Draft EIR/EIS, as none of these alternatives (including no project without commitments to its replacement by an effective and economic improvement) address the real transportation needs of the region. Rather, the City instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

The City challenges both Caltrans and Metro to abandon a freeway-build approach which moves (and increases) vehicles, in favor of a multi-modal approach which moves people, as illustrated by the community-based *Beyond the 710: Moving Forward—New Initiative for Mobility and Community*. This transformation is especially important because, as the Draft EIR/EIS notes, the City is in the central part of the study area and covers only approximately 3.4 square miles. (Draft EIR/EIS, Table 3.1.1 at p. 3.1-31.) Residential uses occupy 79 percent of the land in the City.

The City provides the following additional comments, and requests that Caltrans withdraw its Draft EIR/EIS and its underlying Freeway Tunnel Alternative. Otherwise, the City requests that Caltrans respond separately to each comment in this letter, in the 5-Cities Alliance’s comment letter, and that of the Connected Cities and Communities (C3) comment letter. In addition to the comments provided in the City’s comment letter, the City seeks responses to its list of Supplemental Questions and Comments regarding the Draft EIR/EIS provided (Attachment 1).

SUMMARY: CALTRANS SHOULD WITHDRAW THE DRAFT EIR/EIS

The State of California by its Department of Transportation (Caltrans) must address a foundational defect in the Draft EIR/EIS: it disguises Los Angeles Metropolitan Transit Authority (Metro)’s controversial tunnel project proposal as part of a program that remains largely, by Caltrans’ own acknowledgment, beyond its capability to deliver. Caltrans should withdraw the present “SR-710 North” Draft EIR/EIS entirely, because it cannot lawfully stand as lead agency for any EIR/EIS alternative other than the SR-710 North Tunnel project (“Freeway Tunnel”). Metro, however, could stand as the lead agency for projects such as a combination of local improvements that would serve the legitimate project purpose of transportation improvement. However, Caltrans cannot delegate its lead agency authority on a project for a federally-sponsored state highway. This is a fundamental flaw in this Draft EIR/EIS.

The incurable structural flaws in the Draft EIR/EIS are evident in its opening pages which, even more than the faulty assessment of impacts detailed below this summary, compel Caltrans to step back and withdraw the Draft EIR/EIS contracted for, paid for, and written by Metro, the admitted sponsor of the actual project — a Freeway Tunnel. The underlying dilemma: while Caltrans alone has legal authority to lead on a federally-sponsored state highway, Metro alone has some money, and has consistently expressed a preference, for the Freeway Tunnel.

As with the most flawed of environmental assessments rejected by the courts (e.g., *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185), the present Draft EIR/EIS is founded on a misleading — and effectively nonexistent — project definition. Reliance on a “curtailed, enigmatic or unstable definition of the project” undermines CEQA compliance, because it “draws a red herring across the path of public input.” (*Id.* at p. 199.) NEPA similarly prohibits the use of a truncated “purpose and need” statement, in which the articulation of objectives is defined in a manner that curtails full assessment of the project and alternatives. (See, e.g., *City of Carmel-by-the-Sea v. United States Department of Transportation* (9th Cir. 1997) 123 F.3d 1147, 1155; see also 40 C.F.R. § 1502.14 (purpose and need statement is crucial to allow decision-maker and public to have a “clear basis for choice among options”).)

The Draft EIR/EIS’s articulation of the project falls far short of CEQA’s standards. The report at page 15 of its Executive Summary acknowledges that only Caltrans can serve as lead agency for the Freeway Tunnel or the No Build Alternative, and that the other three listed project alternatives lie within the prerogative of a different lead agency, Metro. (Accord, Draft EIR/EIS at pp. 4–5 [“General Information About This Document”].) But what is “the project”? The report’s opening chapter, “Proposed Project,” refers to “proposed action,” “purpose,” and “need,” but declines to expressly define the “project” itself. Can the project be inferred from its title, “SR 710 North Study”? No, a “study” cannot form a project, and in any event the December 2012 “Alternatives Analysis” served as the pre-project study from which a legally-required project definition should have emerged.

“Emerge” a project actually does — in the very first two paragraphs of text, “1.1 Introduction,” on page 1-1. The Freeway Tunnel is identified as “[t]he project,” which “is also included in the 2015 Federal Transportation Improvement Program.” (Emphasis added.) The second paragraph concludes, “*The Project* is proposed to be sponsored entirely or in part by Measure R, a half-cent sales tax dedicated to transportation projects in Los Angeles County.” (Emphasis added.) A few pages later, at page 1-6, Measure R is described as “the commitment of \$780 million to improve the connection between the SR-710 and I-210 freeways.” How can any project other than one designed to accommodate motor vehicles as a freeway connector fulfill such a commitment?

Similarly, the Draft EIR/EIS’ air quality conformity analysis (Draft EIR/EIS at pp. 3.13-14–3.13.16) is premised exclusively on the “proposed project” of a four-lane-each-direction tolled tunnel — not a “study” of build alternatives.

The “true project description” of a Metro-sponsored Freeway Tunnel is not surprising when the Draft EIR/EIS’s foundational documents are examined. The June 12, 2014, Caltrans-Metro Cooperative Agreement (07-4997) defines implementation of the SR-710 (North) Study as the “PROJECT” (Attachment 2 at ¶ 2), and furthermore represents that Metro is “SPONSOR for 100% of PROJECT” (Attachment 2 at ¶ 9). Toward that end, and detailed further on pages 5-6, *Metro* prepares all the environmental documentation, and assumes legal responsibility for its adequacy. (See Attachment 2 at ¶¶ 47, 54.) The contract for Draft EIR/EIS preparation (Metro Contract No. PS4710-2755, issued January 3, 2012) places that preparation under the direction and control of Metro; the accompanying staff report of September 14, 2011, recommends consultant CH2MHill because of the firm’s tunnel experience.¹

The Freeway Tunnel, then, is the true “project” set forth in the Draft EIR/EIS, notwithstanding failure in the draft to identify a preferred alternative under 40 C.F.R. § 1502.14(e), and Metro is its sponsor. That conclusion is paradoxically reinforced by the first paragraph on page 1-1, which declares, “*Caltrans* is the lead agency under ... NEPA ... CEQA” (emphasis added.) As recited two paragraphs above, the only “project” for which *Caltrans* can lawfully so serve is the Freeway Tunnel.

The only project Caltrans can select as surrogate for Metro is the Freeway Tunnel Alternative because it cannot select a project alternative for which it has no legal authority. In the words of a leading CEQA decision, this set-up creates a classic “CEQA turkey shoot” (*County of Inyo v. City of Los Angeles* (1984) 160 Cal.App.3d 1178, 1185) — one that deserves to be avoided by Caltrans’ withdrawal of the faulty Draft EIR/EIS. Caltrans should avoid facing that circumstance at the end of the day — even if the department could presently claim a preference for the Freeway Tunnel Alternative. South Pasadena and its allied cities doubt such a preference could be lawfully claimed, because Freeway Tunnel approval would be founded on multiple incurable errors infecting the Draft EIR/EIS:

- Caltrans could not circumvent the project-selection choice by assigning Metro NEPA lead agency responsibility to choose among all project alternatives, because only Caltrans can stand as a lawful delegate of the Federal Highway Administration (FHWA) for purposes of NEPA. (23 U.S.C. § 327, subd. (e); FHWA-Caltrans Memorandum of Understanding (MOU) ¶ 3.4.1 (July 1, 2007).) Moreover, some of the non-highway project alternatives, if they are to secure federal sponsorship, must look not to FHWA but to the Federal Transit Administration (FTA), which lacks delegation authority, and therefore must itself prepare the NEPA assessment — meaning that the present Draft EIR/EIS sets up a “NEPA turkey shoot” that disables reliance on it to select an environmentally-favorable transit alternative.

¹ See Planning and Programming Committee Award of EIR/EIS Contract (Sept. 14, 2011) at Attachment A, p. 2 (“Background on Recommended Contractor”) [CH2MHill possesses broad experience in “developing and evaluating complex simulation models pertaining to ... highway tunnels ... ”], available at http://media.metro.net/board/Items/2011/09_september/20110914P&PItem9.pdf.

- Caltrans cannot rely, as “1.1 Introduction” purports to do, on the Freeway Tunnel’s inclusion in the Southern California Association of Governments (SCAG) 2012 Regional Transportation Plan/Sustainable Communities Strategy (2012 RTP) and SCAG’s 2014-2015 sequel, because those plans are founded on the false premise that funds for the Freeway Tunnel are “committed, available, or reasonably available.” (See 23 C.F.R. § 450.104.) Even if the remaining \$740 million Measure R funds were truly “committed” to the Freeway Tunnel (which they are not, see next paragraph), they are woefully inadequate to meet the projected cost of the single-bore, let alone dual-bore, tunnel. Thus, the California Transportation Commission (CTC) in its April 1, 2015, letter to Retired Assemblymember Anthony Portantino pointed to the ongoing lack of a defensible project cost determination, a deficiency that also disrespect’s FHWA further requirement in the SR-710 corridor to cure “[c]ontinued uncertainty regarding the financing of [the 710 freeway] project and the failure to develop a comprehensive financial plan for its implementation.” (FHWA Environmental Re-Evaluation withdrawing 1998 federal approval, p. 7 (Dec. 17, 2003).)
- The Draft EIR/EIS description of the Measure R funds as “the commitment of \$780 million to improve the connection between the SR 710 and I-210 freeways” (Draft EIR/EIS 1-6) cannot stand. True, South Pasadena did itself believe the funds were prematurely dedicated to a freeway connection, and on that ground litigated against Metro to set aside Measure R as an unlawful commitment under CEQA. (*City of South Pasadena v. Los Angeles County Metropolitan Transp. Authority* (Cal.Ct.App., March, 22, 2011), No. B221118, 2011 WL 989553.) Metro defeated that lawsuit, however, by representing in its trial and appellate briefs that “Measure R ... does not commit Metro to any projects,” and that “if a 710 Tunnel is not pursued... the funds ‘earmarked’ for a possible tunnel can be applied to other projects or programs.”
- The Freeway Tunnel cannot be advanced as “closing the 710 gap,” nor can the wishbone construction in Pasadena be described, as the Draft EIR/EIS attempts at page 1-5, as “[e]xisting SR 710.” By order of the United States District Court, the wishbone construction was allowed in 1976 as an exception to the 1973 injunction as a component of *the I-210 interchange*, sponsored by the I-210 contract. The U.S.D.C. opinion records that “only the southern portion of the Long Beach Freeway has been completed and now terminates at Valley Boulevard.” (*City of South Pasadena v. Volpe* (C.D. Cal. 1976) 418 F. Supp. 854, 858.)
- Further advancement of the Freeway Tunnel threatens the environmental assessment of the I-710 South Corridor Project. That is because the Freeway Tunnel as a freeway forms one segment of the closely-related project of expanding the capacity of the I-710 south of the I-10. When a Project is divided and analyzed into smaller separate components it is known as “segmentation.” When the lead agency divides a project into smaller components in order to permit those smaller components to be studied without consideration of the overall impacts of the single project then “improper segmentation” has occurred under NEPA or CEQA has occurred. (*O’Reilly v. U.S. Army Corp. Engineers*, 950 F.2d 1129 (5th Cir. 2007).)

Thus, the cumulative impacts of these two freeway segment projects would need to be considered together, since (as long as SR-710 North remains a freeway) they form the entirety of a simultaneously-analyzed project to provide a single freeway route from Long Beach to Pasadena. (40 C.F.R. § 1508.25; Cal. Code Regs., tit. 14, § 15378(a).) Withdrawal of the Freeway Tunnel enables Caltrans as lead agency for the I-710 Corridor Project to complete its NEPA and CEQA analysis unencumbered by the vastly more complex issues that the Freeway Tunnel presents. For a fuller discussion of this issue, please see the comments on this topic submitted by Delaine W. Shane in her July 30, 2015, Letter No. 2: Comments on the SR 710 North Study Draft EIR/EIS, which the City hereby adopts and incorporates herein as though set forth in full.

Finally, further pursuit of the Freeway Tunnel by Caltrans would prove infeasible of attainment. To Caltrans' credit, the Draft EIR/EIS at page 2-113 correctly recognizes that the tunnel cannot be constructed without "modification to freeway agreements from Alhambra, Los Angeles, South Pasadena, and Pasadena." (Accord, Sts. & Hy. Code, § 100.2; Caltrans Project Development Procedures Manual, p. 24-4; see also *City of South Pasadena v. Department of Transportation* (1994) 29 Cal.App.4th 1280, 1284.) Pasadena, South Pasadena, and Los Angeles, the only cities through which the proposed Freeway Tunnel would travel, have each formally opposed its construction and will not provide that indispensable consent.

For these reasons Caltrans should withdraw its Draft EIR/EIS and any pursuit of a Freeway Tunnel. If the tunnel is to be pursued, its sponsor Metro has to shoulder that burden alone, without federal funding or state highway designation. Moreover, as detailed further below, the proposed tunnel reflects an outdated and counterproductive approach to transportation planning that would fail to address the central sources of traffic congestion in the San Gabriel Valley, while compounding a host of major environmental and logistical problems. To make possible a more integrated and effective solution to regional transportation problems, Caltrans should allow Metro and FTA to become lead state and federal agencies on an EIR/EIS that will explore non-freeway alternatives and federal funding for them. No further studies can cure the deficiencies summarized here, which inherently infect and undermine the Freeway Tunnel.

FAILURE TO ANALYZE FINANCIAL FEASIBILITY OF PROJECT ALTERNATIVES

At the outset, the City is concerned about the Draft EIR/EIS's failure to analyze the financial feasibility of project alternatives. With the withdrawal of its record of decision and funding for the State Route 710 Freeway Extension on December 17, 2003, the Federal Highway Administration in its Second Environmental Re-Evaluation required that for a 710 corridor project to qualify for future federal highway sponsorship, Caltrans must "develop a comprehensive financial plan for its implementation."

Metro's recently issued "Analysis of Costs and Benefits: State Route 710 North Study Alternatives" (June 19, 2015) (CBA) does not establish financial feasibility. Despite its

claim that a “net present value” establishes feasibility (pp. 2–3), the CBA does not prove that funds are available for a federally sponsored tunnel project. Nor does it establish, even if the Freeway Tunnel Alternative were deemed to provide a net benefit, that resources would be made available to attain that benefit, when alternatives could secure a greater return on the investment for far fewer dollars.

The Draft EIR/EIS presents a misleading account of the funding available to support the Freeway Tunnel Alternative and other alternatives addressed in the report, which improperly skews the analysis of financial feasibility in favor of the Freeway Tunnel. The Draft EIR/EIS relies upon the premise that “[t]he SR 710 North Freeway (Tunnel) Alternative is included” in the SCAG 2012 RTP, as well as SCAG’s 2015 Federal Transportation Improvement Program (FTIP). (Draft EIR/EIS at p. 1-1.) As earlier discussed, inclusion in these plans, however, rests upon the faulty assumption that funds for the tunnel project are already “committed, available, or reasonably available” within the applicable federal regulation. (See 23 C.F.R. § 450.104.)

The Draft EIR/EIS identifies Measure R, a half-cent sales tax for transportation projects in Los Angeles County, as the key source of funding for the tunnel project. (Draft EIR/EIS at p. 1-1.) But as stated above, Measure R cannot be read as a commitment of the \$780 million to the Freeway Tunnel Alternative. On the contrary, as also discussed in the 5-Cities Alliance’s letter, Metro defeated the litigation challenge to Measure R by representing in briefing that Measure R itself did not constitute a commitment to fund the Freeway Tunnel Alternative, and that if the Freeway Tunnel is not pursued, the approximately \$780 million remaining Measure R funds can still be applied to other projects or programs. (*City of South Pasadena v. Los Angeles County Metropolitan Transp. Authority* (Cal.Ct.App., March, 22, 2011), No. B221118, 2011 WL 989553.)

Understood in context, Measure R neither provides the requisite assurance that the proposed Freeway Tunnel’s full costs can be covered, nor prevents the selection and funding of alternatives that do not require tunnel construction. But even if those funds had been fully committed to the Freeway Tunnel, they are inadequate to cover projected costs that are likely to be many times greater. As pointed out in the 5-Cities Alliance letter, the California Transportation Commission recognized in April 2015 that implementation of the 710 project remains mired in financial uncertainty.

DETAILED COMMENTS REGARDING INADEQUACIES IN DRAFT EIR/EIS

I. UNLAWFUL METRO ASSUMPTION OF NEPA AND CEQA LEAD AGENCY DUTIES

The Draft EIR/EIS portrays Caltrans as the “lead agency” for compliance with both NEPA and CEQA. (Executive Summary at p. 15.) But Caltrans’ role for NEPA compliance has been undermined by a sub-delegation of lead agency duties relating to selection among project alternatives. Notably, as recited on page 2 above, the Caltrans-Metro agreement of June 12, 2014, inconsistently assigns key tasks relating to the review and selection of

alternatives to Metro, in violation of NEPA and CEQA. The Draft EIR/EIS even conditionally assigns to Metro the ultimate duty to act as lead agency with respect to any of the project alternatives other than construction of the tunnels. (Draft EIR/EIS, General Information and Executive Summary at p. 15.) As introduced in the 5-Cities Alliance's letter, this assignment of duties to Metro reflects a fundamental problem in the project definition: Caltrans, which solely has authority to take the lead role on a federally sponsored state highway project, lacks the authority to act on any project alternative except the Freeway Tunnel Alternative.

The Draft EIR/EIS's inconsistent approach to the lead agency assignment is grounded upon an unlawful delegation of authority. The practice of delegation to California of federal NEPA responsibilities otherwise reposing in the Federal Highway Administration (FHWA) is authorized in section 327 of title 23, United States Code. Subsection (e) of section 327 provides, with emphasis added,

(e) Effect of Assumption of Responsibility. — A State that assumes responsibility under subsection (a)(2) *shall be solely responsible and solely liable* for carrying out, in lieu of the Secretary, the responsibilities assumed under subsection (a)(2), until the program is terminated as provided in subsection (i).

This section facially prevents the state from re-delegating its authority or responsibility to a non-state agency. The operative subsection (a) of section 327 allows only "the State" to assume federal responsibilities.

Acting under this authority, Caltrans in May 2007 applied for assumption of FHWA responsibilities, representing that "environmental consultants are used in a variety of ways, including undertaking specific technical studies ... and preparing project environmental documents." But while this recital describes Caltrans' operation under state law, the resulting July 1, 2007, Memorandum of Understanding (MOU) between FHWA and Caltrans, paragraph 3.4.1 on page 6, recites (with emphasis added) that "Caltrans shall be *solely responsible and solely liable* for carrying out all of the responsibilities [including EIS preparation] assumed under this section." This July 1, 2007, pilot program MOU was extended once on August 10, 2011, and then extended as a permanent (non-pilot) program by MOU dated September 25, 2012.

Like the plain language of section 327 discussed above, the FHWA-Caltrans MOU as extended defines the appropriate role of Caltrans in preparing the federal EIS for the SR-710 North Study, and prevents Caltrans from assigning that duty to another entity. The agreement's provisions relating to NEPA appear at page 5 of the fourteen-page agreement. (Attachment 2.) Notwithstanding the plain restriction of the MOU prohibiting re-delegation of NEPA authority, the agreement's paragraph 45 recites that "CALTRANS is the NEPA lead agency for the PROJECT and is responsible for NEPA compliance" — omitting the vital phrase "solely responsible." Despite this assigned responsibility to Caltrans, Metro assumes the task of preparing the "NEPA environmental documentation" for the SR-710 North Corridor project. (Agreement ¶ 47.)

Metro's assumption of that task of authorship conflicts with the legal requirements underlying the NEPA delegation to Caltrans. Under the MOU agreement, Metro assumes authority for more than document preparation, including duties that Caltrans should retain as lead agency. For example:

- Paragraph 48 of the Agreement specifies that “environmental documentation” also includes “public notices and public meeting materials, [and] determinations...” Metro also “will prepare, publicize, and circulate all NEPA-related notices ...” (Agreement ¶ 49.) Metro thus transcends the role of authorship to act as the government agency that authors the final determinations, and presents itself to the public as the agency in charge. Indeed, as the sole 100 percent “sponsor” of the project, (¶ 9); Metro “accepts the responsibility to establish scope of the PROJECT and the obligation to secure financial resources to fund PROJECT.” (Agreement at p. 12.)
- Paragraph 53 requires that Metro, not Caltrans, assume the costs of “public meetings,” and “environmental commitments and compliance,” and otherwise act as the presenter of the project to the public. (Agreement at p. 6.)
- Paragraph 54 provides that legal challenges to the project will be chargeable to the party causing the challenge to succeed. Far from assuming sole responsibility for the environmental documentation as the federal law and FHWA MOU require, this provision enables Caltrans to pass legal responsibility to Metro for legal flaws in preparing the EIS and conducting the public process required by NEPA. In contrast, paragraph 13.4 of the underlying 2007 FHWA-Caltrans MOU provides that “Caltrans shall remain solely liable and solely responsible for any of the environmental approvals it makes pursuant to any of the responsibilities it has assumed” under its NEPA delegation.

As long as the project is premised on the assumption that it is to remain a federal highway project, practical as well as legal reasons support the federal mandate confining delegation of NEPA lead agency duties to Caltrans. Practical and legal reasons also support prohibiting an attempt to sub-delegate such responsibilities to a local agency such as Metro. FHWA's historic experience in federally-sponsored state highway projects requires that agency to oversee, supervise, and correct the work of 50 state highway agencies. FHWA has not been expected to oversee, and has no experience overseeing, the products and process conducted by a vastly greater number of potential NEPA “sub-delegates.” Moreover, as recited in the operative 2012 MOU between FHWA and Caltrans, the delegation to Caltrans is grounded in close federal monitoring of Caltrans, and proof of satisfactory performance over several years of experience. Such federal monitoring and assurance of performance at the regional level, expanded to cover entities such as Metro, would impose an unanticipated and undesirable burden on FHWA.

Although the Draft EIR/EIS appears to lack a clear explanation of the grounds for its attempted sub-delegation to Metro, this attempt may well reflect concern that Caltrans lacks the resources or determination to prepare the SR-710 North Study on its own, or for

that matter on its own build the Freeway Tunnel if adopted. Nonetheless, the statutory delegation from FHWA to Caltrans requires *Caltrans'* "verification of the financial resources necessary to carry out the authority that may be granted under the [delegation] program." (23 U.S.C. § 327(b)(2)(B); see also FHWA-Caltrans 2007 MOU, ¶ 4.2 (Caltrans' representation that it has both staff and resources to conduct NEPA duties).)

For similar reasons, the constraints on Caltrans' own lead agency duties described here also violate CEQA, which rightly approaches lead agency assignment as a foundational legal obligation. (See, e.g., *Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 904 (the "pivotal" role of the lead agency under CEQA includes "lending its expertise in areas within its particular domain, and in ultimately recommending the most environmentally sound alternative").) California law allows a lead agency to secure initial EIR preparation by an outside consultant, provided that the agency independently reviews the materials, and relies upon them only where the "heavy demand" for independence, objectivity and thoroughness has been met. (*Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1458.) Put another way, although Public Resources Code section 21082.1 and CEQA Guideline 15084 would allow the lead agency to contract with a private consultant to prepare the draft EIR (typically at a private developer's expense), CEQA prevents turning over to the developer or its consultant the power to act on behalf of the lead agency in conducting public review, hearings, and outreach, or in exercising its decision-making.

The same factors that weigh against federal delegation of NEPA responsibilities beyond EIS preparation apply under CEQA. This outcome should not be surprising, as the agreement can be analogized to an almost-inconceivable arrangement under standard CEQA practice: a city or county contracting with a project proponent's EIR preparer to act as the project's public representative, and assume sole responsibility for the legal consequences.

In sum, should Caltrans or Metro continue with the premise that the project at its core is a federal highway tunnel project, the agreement's assignment of EIS preparation, other NEPA responsibilities, and financial responsibilities from Caltrans to Metro cannot continue. The Final EIR/EIS cannot lawfully truncate Caltrans' full duties as lead agency. As South Pasadena and its 5-Cities Alliance colleagues have argued, however, the more constructive path forward is for Caltrans to withdraw the Draft EIR/EIS in pursuit of the Freeway Tunnel Alternative, freeing the way for Metro and FTA to assume lead roles in an EIR/EIS addressing non-freeway alternatives and funding.

II. FLAWED PURPOSE AND NEED STATEMENT

An accurate project description is vital to an agency's compliance with CEQA and NEPA. "An accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." (*San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730.) NEPA requires the lead agency to accurately identify, and not artificially truncate, the "purpose and need" for the

proposed action for which environmental review is required. (40 C.F.R. § 1502.13.) As introduced in the 5-Cities Alliance letter's discussion of foundational errors in project definition, the Draft EIR/EIS fails to establish a genuine purpose and need. The report instead reflects the misleading predisposition that the Project is, at its core, a highway tunnel-building project.

As noted in the Draft EIR/EIS at page 3.16-10, the Freeway Tunnel Alternative requires the taking of wetlands, which are protected by the Clean Water Act. As a result, consultation with the U.S. Army Corps of Engineers and the EPA is required prior to the release of a DEIS and these agencies must consent to the "purpose and need" for the Project, in order to identify the legally-required least environmentally damaging practicable alternative. (See 40 C.F.R. § 230.) The Draft EIR/EIS does not establish that this consultation occurred or that the U.S. Army Corps of Engineers and the EPA consented to the purpose and need for the Project.

The "project purpose" description of improving the existing "*freeway* and transit network" (emphasis added), does not measure up to the Army Corps of Engineers and EPA standards (e.g., identifying the least environmentally damaging practicable alternative) because such a description tautologically skews comparisons in favor of a freeway implying that only a freeway can improve surface travel. (Draft EIR/EIS, Abstract at pp. 3, 1-8.) This focus on "freeway" not only indicates a predetermination of the Freeway Tunnel Alternative but insures that all other alternatives are incapable of achieving the Project's purpose.

According to the Draft EIR/EIS, the proposed project's primary objective is to "effectively and efficiently accommodate regional and local north-south travel demands in the study area of the western San Gabriel Valley and east/northeast Los Angeles," and suggests that the lack of this connection has resulted in congestion on local freeways and arterials. (Draft EIR/EIS at p. 1-8.) This statement articulates outdated principles of transportation planning that needlessly favor the development of additional traffic lanes promoting more vehicles on the road and vehicle miles traveled, while failing to address the transportation, air quality, greenhouse-gas reduction, and economic development needs of the region. Moreover, as the City articulates in greater detail below, this statement ignores the true needs of the region: relief from east-west congestion and a focus on attention to movement of *people, not cars*, in compliance with recent statewide legislation, such as AB 32 – Global Warming Solutions Act; SB 375 – Sustainable Communities and Climate Protection Act; SB 743 – Alternative Transportation Metrics; and Executive Orders S-3-05 and B-30-15 – Greenhouse Gas Emission Reduction Targets.

The Draft EIR/EIS further fails to adequately identify the existing conditions in the study area and inaccurately states that "shifting trips to freeways, the Freeway Tunnel Alternative would divert VMT off of local arterials, resulting in less cut-through traffic." (Draft EIR/EIS, Executive Summary at p. 18.) Contrary to the Draft EIR/EIS, Metro's 2015 San Gabriel Valley Subregional Mobility Matrix identified that "about 70 percent of weekday person trips consist of trips occurring entirely within the San Gabriel Valley" and "[t]he San Gabriel Valley supports more through trips than other Los Angeles County

Mobility Matrix subregions with the east/west week day through trips totaling an estimated 265,900 per day due to connections provided by three major east-west freeways and its location between Downtown Los Angeles and high growth areas to the east². Furthermore, the Draft EIR/EIS states that only 13.7 percent of the 2035 Horizon Year PM Peak Period traffic on the study area arterials represents the “cut-through traffic” the Freeway Tunnel is presumed to ameliorate. (Draft EIR/EIS, Table 3.5.11 at p. 3.5-37.) An inaccurate description of existing (baseline) conditions lays a faulty foundation for the flawed purpose and need statement. (Nelson Nygaard Letter at pp. 5–10, 19 [Freeway Tunnel will simply move existing traffic around, increase arterial traffic, and create higher VMT].)

An accurate baseline is essential to an EIR’s “fundamental goal” to “inform decision makers and the public of any significant adverse effects a project is likely to have on the physical environment.” (*Neighbors for Smart Rail v. Exposition Metro Line Const. Authority* (2013) 57 Cal.4th 439, 505 (citing *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428).)

As drafted, the purpose and need statement neither fairly nor accurately describes even the specific transportation needs in the study area, since it does little to address the above-referenced traffic conditions. The purpose and need statement therefore presents an unreliable analysis of the environmental impacts associated with the Project. Should Caltrans continue to serve as lead agency, it must provide a full analysis of the baseline conditions of the study area and redefine its purpose and need statement to accurately reflect the baseline conditions and travel demand in the San Gabriel Valley sub-region.

III. FAILURE TO ASSESS AN ADEQUATE RANGE OF ALTERNATIVES

A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR ... and should include the underlying purpose of the project. (Cal. Code Regs., tit. 14, § 15124(b).)

An EIR must examine a range of reasonable alternatives that would feasibly obtain most of the project objectives, but avoid or substantially lessen any significant adverse effects of the project. (Cal. Code Regs., tit. 14, § 15126.6.) In screening and reviewing alternatives, the EIR must provide more than “ cursory ” analysis. (*Planning and Conservation League, supra*, 83 Cal.App.4th at p. 919.) It should not construe project objectives so tautologically that only the proposed project could conceivably be capable of achieving them. Review under NEPA is similarly designed to help public officials make decisions that are based on an informed understanding of environmental consequences. (40 C.F.R. §1500.1(c).) This requires a clear comparison of the impacts of the project alternatives.

² For more information, see http://media.metro.net/projects_studies/lrtp/images/report_mobility_sgv.pdf.

The five objectives established in the 2012 State Route 710 Study: Alternative Analysis Report³ are:

1. Minimize travel time
2. Improve connectivity and mobility
3. Reduce congestion on freeway system
4. Reduce congestion on local street system
5. Increase transit ridership

Other than No-Build, there are four alternatives to the SR-710 North Project (Project): (1) the Transportation System Management and Transportation Demand Management Alternative (TSM/TDM Alternative); (2) Bus Rapid Transit Alternative (BRT Alternative); (3) Light Rail Transit Alternative (LRT Alternative); and (4) the Freeway Tunnel Alternative, which itself boasts a range of alternatives. All alternatives offered, including the Freeway Tunnel Alternative, fail to achieve these objectives and are therefore inadequate under the stated purpose and objectives of the project.

In particular, the Draft EIR/EIS Freeway Tunnel Alternative would: only reduce travel time for 7 to 13 percent of all motorists in the study area by approximately 2.5 minutes; fail to reduce congestion on the freeway system but instead shift congestion to other segments of the freeway system; worsen congestion on some local arterials in Alhambra and Rosemead and likely South Pasadena and Pasadena from drivers attempting to avoid the Freeway Tunnel due to the presence of commercial big-rig trucks and/or the collection of tolls; and not increase transit ridership. Furthermore, the Freeway Tunnel Alternative would require up to 146,254 square feet of permanent easements from 254 parcels within the City. (Draft EIR/EIS Community Impact Assessment Report, Table 6.3.13 at p. 6.3-110.)

The 5-Cities Alliance provides a thorough discussion of the many fatal flaws in the Draft EIR/EIS, including the fact that the document does not acknowledge that the Freeway Tunnel is the preferred alternative. (SMW Letter at p. 9.) The Draft EIR/EIS's flawed purpose and need statement, discussed above, needlessly favors the development of additional freeway lanes, slanting the project assessment toward the Freeway Tunnel Alternative's predetermination as the preferred alternative. Additionally, the City is concerned that each of the non-freeway Alternatives offered appear to be only segments of what should be an environmentally superior alternative multi-modal project. Each non-freeway Alternative, segmented and standing alone, is demonstrably inadequate to meet the transit needs of the study area under the Draft EIR/EIS. The challenge with studying the impacts separately is that the cumulative impacts on air quality, traffic and transportation, noise, and more cannot be fully evaluated.

This kind of segmentation diminishes the adequacy of alternatives and stacks the deck in favor of the Freeway Tunnel Alternative. By contrast, the "multi-modal plan proposed in *Beyond 710: Moving Forward New Initiative for Mobility and Community*"

³ http://www.dot.ca.gov/dist07/resources/envdocs/docs/710study/docs/Final_AA_report_2013-01-14_Low_Res.pdf

includes components of LRT, BRT and TSM/TDM and would achieve all five objectives established in the 2012 State Route 710 Study: Alternative Analysis Report. Inexplicably, no such environmentally superior multi-modal alternative was offered or studied in the Draft EIR/EIS. In addition, the arguments below demonstrate that the problems in the framing of project alternatives also interfere with their complete and accurate assessment.

IV. FAILURE TO IDENTIFY AND MITIGATE ENVIRONMENTAL IMPACTS

In addition to the discussion in the SMW letter of the inadequacy of impact and mitigation analysis of all four alternatives, the City examines the Draft EIR/EIS's analysis of the environmental impact to South Pasadena under each proposed alternative.

As discussed throughout, the City is concerned about the Project's emphasis on movement of vehicles instead of people. As discussed below in Part VII, the key to addressing the needs of transit-dependent residents and workers, as well as providing greater access to educational destinations, will be a multi-modal transportation system. However, the Draft EIR/EIS does not recognize this reality. For example, each proposed Alternative offered in the Draft EIR/EIS will result in increased delays for pedestrians and bicyclists. Pedestrians at the intersection of Fair Oaks Avenue and Monterey Road will experience an increase of 7.3 to 24 seconds per vehicle. (Draft EIR/EIS, Table 3.5.14 at pp. 3.5-57-3.5-58.) Bicyclists at the intersection of Fair Oaks Avenue and the SR-110 northbound off-ramp will experience an increase of 23.7 to 28.4 seconds per vehicle (Draft EIR/EIS, Table 3.5.15 at pp. 3.5-59-3.5-60.) These challenges to walkers and cyclists are in direct conflict with the City's 2015-2016 Strategic Plan's⁴ goals to improve local and regional mobility and "[e]nhance the City's healthy natural, cultural, and built environment." It is within this framework that the City begins its substantive comments of several important environmental impacts, such as air quality, traffic and transportation, noise, geology, hydrology, and cultural resources.

At its core, an EIR must "identify the significant effects on the environment of a project, identify alternatives to the project, and indicate the manner in which those significant effects can be mitigated or avoided." (Pub. Res. Code, § 21002.1(a).) CEQA's implementing regulations explain that both "direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." (Cal. Code Regs., tit. 14, § 15126.2.) Topics such as physical changes, alterations to ecological systems, and changes in population, such as water, historical resources, scenic quality, and public services should be covered.

For example, the Draft EIR/EIS fails to identify the impacts associated with the potential breakdown of the Tunnel Boring Machines utilized to construct the LRT and Tunnel Alternatives. This potential has been realized on the *only* other tunnel of similar

⁴ For more information about the City's plan, please visit the City's website at <http://www.ci.south-pasadena.ca.us/index.aspx?page=503>

size as that proposed for the Freeway Tunnel, the Alaskan Way Viaduct. The Draft EIR/EIS also fails to address the impacts of vehicle and truck accidents in the Freeway Tunnel. By relying on the future creation of a Construction Management Plan (CMP) to address these concerns, the Draft EIR/EIS fails to identify all potential impacts associated with the Project. (See Attachment 1 at p. 6 [City's questions about inadequate analysis of water quality and storm water runoff].)

Similarly, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action" to inform the public that it has "indeed considered environmental concerns in its decision-making." (*Earth Island Institute v. U.S. Forest Service* (9th Cir. 2003) 351 F.3d 1291, 1300.) Under either CEQA or NEPA, the Draft EIR/EIS fails to comply with this basic first step as discussed below.

CEQA also requires an agency identify ways to avoid or minimize a project's significant environmental effects. The agency must show the mitigation measure will be either effective in reducing a significant environmental impact, or ineffective or infeasible due to specific large "economic, social and technological factors." (Cal. Code Regs., tit. 14, § 15364.) By deferring identification and description of the potential adverse impacts from a very real potential breakdown of the TBM, the Draft EIR/EIS also fails to even begin to discuss, let alone identify, mitigation measures associated with such an occurrence. (Attachment 1 at p. 6.) Such a deferral deprives South Pasadena of the opportunity to assess the existence and adequacy of such mitigation measures.

A. Draft EIR/EIS Fails to Evaluate and Mitigate Air Quality

1. Construction-Related Impacts on Air Quality; Inadequate Mitigation

As the 5-Cities Alliance advanced in its letter, the Project has a high potential to contribute to air pollution in the South Coast Air Basin, which has the worst air quality in the United States. (SMW Letter at pp. 16–19.) Construction associated with each of the alternatives will contribute to worsened air quality. As an example, the City is concerned that the Draft EIR/EIS failed to disclose the LRT and Tunnel Alternatives' propensity to exceed regional air quality standards, as explained in the 5-Cities Alliance's letter. The City is further concerned that the Draft EIR/EIS provided no analysis of the dispersion modeling needed to evaluate air quality for the Tunnel Alternative, which will run directly through South Pasadena. This dispersion modeling, which would provide the recommended "localized construction impact assessment," would greatly assist residents in South Pasadena with understanding the proposed alternatives' impacts on air quality. (SMW Letter at pp. 17–18.)

As proposed mitigation measures, the Draft EIR/EIS offers few options, and those offered are apparently applicable to all four alternatives. One measure is controlling fugitive dust with "regular watering" or other preventive efforts. (Draft EIR/EIS at p. 3.13-40.) The feasibility of this mitigation measure is unclear, as the State grapples with a historic, catastrophic drought. No water source is identified from which to determine its adequacy. The Draft EIR/EIS also offers as mitigation "reduce use, trips, and unnecessary idling from heavy equipment," using solar-powered signs, and obtaining electricity from

power poles instead of generators. (Draft EIR/EIS at p. 3.13-41.) These measures are too ill-defined to “substantially lessen the significant environmental effects of such projects.” (Pub. Res. Code, § 21002.) Due to the varied nature of the alternatives, with some construction occurring above ground, and much of the construction occurring below ground, reducing “unnecessary idling” and obtaining energy from power poles will be possible on an intermittent basis at best. Specific mitigation is required.

2. Operation-Related Impacts on Air Quality

The City is acutely concerned with the Draft EIR/EIS’ flawed particulate hotspot analysis as identified by the 5-Cities Alliance. (SMW Letter at pp. 19–20.) By failing to describe the existing environmental setting, which differs depending on the particular geographic location in the study area, the Draft EIR/EIS cannot provide the necessary information about local impacts. The City is also concerned that the data from the 13 freeway locations that served as the basis for modeling particulate concentrations were never properly evaluated to determine the impacts on the surrounding communities. (Draft EIR/EIS at p. 3.13-20.) The particulate matter modeled for at least two locations, SR-710 South, either to the current terminus or to the proposed tunnel entrance, could provide some information about the impacts on air quality in South Pasadena resulting from the various alternatives. Several other locations, including I-210 approximately 0.5 miles east of the SR-710 interchange and I-210 approximately 0.5 miles west of the SR-710 interchange, would also provide useful data about the alternatives’ anticipated impact on air quality on portions of South Pasadena. Yet, the Draft EIR/EIS provides little in the way of impact analysis or mitigation that is specific to each alternative, including the Freeway Tunnel Alternative.

The Draft EIR/EIS fails completely to address the causal relationship between growth in neighboring counties resulting in more vehicles and increased vehicle emissions, both of which will adversely affect South Pasadena. In the next twenty years, the Counties of San Bernardino⁵ and Riverside⁶ are expected to grow by close to 2.2 million people. This regional growth means that South Pasadena, located in the heart of the study area, will feel the effects of increased demands on traffic and infrastructure more acutely than some other cities in the region.

Moreover, as the Draft EIR/EIS recognizes, the City of South Pasadena will itself experience some growth in the coming decades. From 2008 through 2035, the City’s employment is expected to rise in South Pasadena *alone* by 11 percent, while the City’s population is anticipated to increase by only 3 percent. (Draft EIR/EIS, Table 3.2.1 at p. 3.2-3.) This means the people who will work at the City’s new jobs will commute from outside the City. Indeed, South Pasadena will see the second highest job growth rate in the study region, just behind Pasadena. The cumulative impacts of this growth and increase in

⁵ For information about Caltrans’ economic forecast for San Bernardino County, please see http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2011/San_Bernardino.pdf

⁶ For information about Caltrans’ economic forecast for Riverside County, please see http://www.dot.ca.gov/hq/tpp/offices/eab/socio_economic_files/2011/Riverside.pdf

vehicles and vehicle miles traveled in a freeway-focused project were neither identified, nor proposed to be mitigated, in the Draft EIR/EIS.

Finally, the City is concerned that the Freeway Tunnel alternative will provide no transportation alternative for these new employees in South Pasadena. The Freeway Tunnel is a throughway with no access in the City.

3. Health Risks from Worsening Air Quality

The City also wishes to highlight the arguments in the 5-Cities Alliance letter concerning localized cancer risks due to increased vehicle emissions from the Freeway Tunnel Alternative and the roads that would connect to it. (SMW letter at p. 24–25.) An EIR should rely upon scientific and factual data to determine whether a project may have a significant effect on the environment and consider direct and indirect physical changes in the environment that the project may cause. (Cal. Code Regs., tit. 14, § 15064(a), (d).) As discussed above, the Draft EIR/EIS fails to adequately analyze the air quality impacts associated with each of the proposed build alternatives by omitting the use of hotspot analysis, failing to analyze impacts to sensitive receptors, and failing to address the Los Angeles Basin's non-attainment status in its analysis. (See Attachment 1 at pp. 1–2 [City's questions about gaps in research analysis].)

Furthermore, the City is concerned that the Freeway Tunnel Alternative will impact air quality through induced vehicle demand by causing more individuals who would have chosen other types of transportation to drive. This results in more surface traffic cutting through South Pasadena and surrounding communities by diverting traffic around the proposed alternatives. For example, the Draft EIR/EIS provides no analysis of the impact on air quality when drivers are rerouted to avoid construction (see discussion *infra*) or when drivers avoid travelling through the Freeway Tunnel either because they wish to avoid the proposed toll or because they are concerned about the traffic hazards of travelling with commercial trucks through a four-mile-long enclosed tunnel.

B. Draft EIR/EIS Fails to Provide Mitigation for Traffic and Transportation

1. Traffic-Related Environmental Impacts

The Draft EIR/EIS addresses both short- and long-term traffic impacts, but fails to provide the thorough analysis required under CEQA. Of concern to the City is that the Draft EIR/EIS fails to address induced demand and therefore does not provide a comprehensive analysis of the transportation impact associated with each of the proposed build alternatives. (Attachment 1 at pp. 1–2.)

First, the City is concerned that the TSM/TDM Alternative proposes permanent prohibition of left turns at the intersections of Fremont Avenue/Oneonta Knoll Street, Fremont Avenue/Beech Street, Fremont Avenue, Maple Street, and Fremont Avenue/Elmpark Street to and from Oneonta Knoll Street, Beech Street, Maple Street, and Elmpark Street; left turn movements from Fair Oaks Avenue to Oxley Street, El Centro

Street, Mission Street, and Hope Street; and left turn movements from southbound Fair Oaks Avenue to eastbound Monterey Road. Each of these modifications would cause increased traffic diversion onto residential streets. (Draft EIR/EIS, Table 2.3 at p. 2-14.) The Draft EIR/EIS provides no analysis of these changes and their potential adverse effects upon South Pasadena residents.

With respect to long-term effects under this TSM/TDM Alternative, the Draft EIR/EIS fails to provide anything more than a cursory analysis of how the proposed alternative would cause short-term traffic or access effects, other than that those effects would likely occur at locations including South Pasadena High School, Almansor Academy and Saint James Parish Day School. (Draft EIR/EIS at p. 3.3-18.) City residents and decision-makers are left with insufficient information regarding the extent of the resulting air quality effects, particularly as they affect community facilities, such as schools and churches.

Second, with respect to the BRT Alternative, the Draft EIR/EIS seems to suggest that drivers can simply choose their own form of mitigation. That is, the only mitigation offered for disruptions to traffic where lanes would be widened is that "some travelers may choose alternate routes around the area to avoid construction activity and traffic delays." (Draft EIR/EIS at p. 3.5-7). However, more information is needed to understand the effects of traffic congestion while traffic is being diverted, resulting in direct impacts on South Pasadena streets. Furthermore, additional analysis is required regarding how these traffic circulation choices would impact the surrounding community, traffic flow, and air quality.

Third, the LRT Alternative would also create short-term traffic and access challenges for South Pasadena Middle School. (Draft EIR/EIS at p.3.3-23.) For all underground light rail stations, excavation of the first 10 to 15 feet of the station would be conducted "in the evenings and on weekends, to the extent feasible." (Draft EIR/EIS at p. 3.3-22.) However, the possibility of excavation during daytime and commuter hours is both likely and inferred from the mitigation qualifier "to the extent feasible;" the Draft EIR/EIS provides no discussion of the reasonably foreseeable traffic-related impacts for this Alternative. The Draft EIR/EIS offers in mitigation that these effects would cease upon completion of construction, with the implication being that a five- or six-year disruption may be mitigated with the passage of time. However, the Draft EIR/EIS fails to explain how these impacts would dissipate over time.

Fourth, the Draft EIR/EIS fails to evaluate delay to, and volumes of, pedestrians affected by construction of the various alternatives. Delays in South Pasadena are among the highest of the ten intersections identified for each alternative. For example, the intersection delay per vehicle for the "dual-bore without toll" variation of the Freeway Tunnel Alternative is 25.7 *seconds per vehicle* for the Fair Oaks Avenue/SR-110 NB Off-Ramp. (Table 3.5.14.) This is the second-longest delay of any city under this Alternative. Similarly, vehicles in the City will experience a 28.4-second delay per vehicle under the "dual bore without toll without trucks" variation of the Freeway Tunnel Alternative. The cumulative effects of these per-vehicle delays are not analyzed, which avoids determination of the severity of the effect and identification of any mitigation. This delay, compounded

for the many new drivers who will need to commute to South Pasadena, needs further study and requires mitigation measures to avoid or lessen these effects. None were provided.

The Freeway Tunnel Alternative would create various vehicle traffic bottlenecks to shift around and through the City. (SMW letter at p. 42.) The Draft EIR/EIS fails to account for changing traffic patterns throughout the day, as noted by the 5-Cities Alliance, including the impact of increased surface traffic from drivers attempting to avoid using the Freeway Tunnel. Although construction of the Freeway Tunnel Alternative would require the removal of copious amount of earth, the draft EIR/EIS contains little analysis of the traffic-related impacts for hauling out the excavation materials or their potential mitigation measures. (Draft EIR/EIS at pp. 3.3-22, 3.24-5.)

The City is also concerned about all four alternatives' traffic-related impacts on emergency service providers. All of the alternatives would impact the ability of police and fire to respond to emergencies in the City. For example, both the South Pasadena Police Station and Fire Station are located within 500 feet of the TSM/TDM Alternative improvements. (Draft EIR/EIS at p. 3.4-7.) As these are the only police and fire stations serving the city, emergency vehicles "could experience travel delays" as could the residents served by those services providers. Under the BRT, LRT, and Freeway Tunnel Alternatives, South Pasadena is the only City to have one or both police and fire departments affected. (Draft EIR/EIS at pp. 3.4-7–3.4-8.) No mitigation is identified for any of these impacts.

Finally, many catastrophic accidents involving big-rig trucks routinely occur in California. Such accidents are particularly dangerous in tunnels due to the combined effect of explosive gasses in a confined space and the lack of available egress. In October 2007 in the south-bound truck tunnel of Interstate 5 at the Newhall Pass, a big rig accident resulted in an inferno engulfing at least half a dozen vehicles and killing two persons, in a tunnel *only* one-eighth of a mile long.⁷ And in April 1982, seven persons were killed when a tanker truck crashed into a bus and exploded in the one-half-mile-long Caldecott Tunnel outside of Oakland.⁸ Such accidents are foreseeable, as is the likelihood that commuters-by-car will seek to avoid the Freeway Tunnel and cut through South Pasadena surface streets. That the Draft EIR/EIS made no analysis of these possibilities is of grave concern to the City and is further evidence of the Draft EIR/EIS' lack of compliance with the requirements of CEQA or NEPA.

2. Transportation-Related Environmental Impacts

a. TSM/TDM Alternative

While the Project's alternatives will affect traffic, they will also undoubtedly affect related transportation issues, such as parking. First, the TSM/TDM Alternative would require the partial acquisition of 2,677 square feet from seven parcels in the City. (Draft

⁷<http://www.cbsnews.com/news/15-truck-pileup-sparks-massive-tunnel-fire/>

⁸<http://www.nytimes.com/1982/04/08/us/7-killed-as-a-tanker-truck-explodes-in-tunnel-on-coast.html>

EIR/EIS, Table 3.3.4 at p. 3.3-40.) The acquisitions utilized for the intersection projects in the TSM/TDM Alternative would result in the permanent loss of four of the seven available parking spaces at the intersection of Fremont Avenue and Huntington Drive; and all of the parking on the west side of Fair Oaks Avenue south of Grevelia Street. (Draft EIR/EIS, Table 2.3 at p. 2-14; see also p. 3.3-28.) Alhambra, San Gabriel, San Marino, and South Pasadena would permanently lose 200 on-street parking spaces during all hours. (Draft EIR/EIS, Transportation Technical Report, Table 6-2 at p.3.1-5.)

The Draft EIR/EIS provides no analysis of this impact, other than a conclusory statement that the remaining parking supply “would be greater than the existing parking demand in the vicinity of the parking losses.” (Draft EIR/EIS at p. 3.1-5; see also Table 3.5.4 at pp. 3.5-29, 3.5-34.) There is no analysis to support this conclusion; on the contrary, it is foreseeable that people seeking to use alternative modes of travel suggested through the TSM/TDM Alternative will require additional parking by driving their vehicles to an access point for the TSM/TDM Alternative. This impact is not identified, analyzed or mitigated.

South Pasadena welcomes the TSM/TDM Alternative’s inclusion of the regionally significant State Route 110 (SR-110) Fair Oaks Avenue Hook Ramp project and Intelligent Transportation System improvements such as signal synchronization. (Draft EIR/EIS, Table 2.3 at p. 2-18.) Completion of the SR-110 Hook Ramp project would effectively eliminate a major bottleneck in the region and increase the efficiency of the existing transportation system.

However, the TSM/TDM Alternative also includes projects that would widen six streets in the City. (Draft EIR/EIS, Table 2.3 at pp. 2-14–2-16.) These proposed street widening changes would significantly alter the character of the City by removing landscaped medians to add additional lanes for cars. (Draft EIR/EIS, Table 2.3 at p. 2-16.) Although an EIR must also consider a proposed project’s impacts on scenic quality (Cal. Code Regs., tit. 14, § 15126.2.), no such discussion appears in the Draft EIR/EIS.

b. BRT Alternative

Under the BRT Alternative, the displacement of parking would result in a significant reduction to the supply of on-street in the City along Huntington Drive and Fair Oaks Avenue. (Draft EIR/EIS Transportation Technical Report, Table 6-6 at p. 6-10.) Specifically, the BRT Alternative would cause removal of 394 of the 530, or 75 percent, of available on-street parking spaces during the weekday peak-hours, and permanent removal of 27 spaces, in addition to removal of bulb-outs, all on Fair Oaks Avenue. (Draft EIR/EIS, Transportation Technical Report, Table 6-5.) This loss would greatly impact the economic vitality of the City, where parking in its commercial areas is already at a premium. The BRT Alternative would also require the acquisition of 3,726 square feet from 23 parcels in the City. (Draft EIR/EIS, Table 3.3.5 at p.3.3-41.) In addition, the Draft EIR/EIS identifies that the BRT Alternative would result in 13 adverse effects at intersections. (Draft EIR/EIS, Table 3.5.12 at p. 3.5-39.) The Draft EIR/EIS includes no mitigation measures to avoid or minimize those impacts.

The Draft EIR/EIS also recognizes that the BRT Alternative would require temporary construction easements on approximately 36 parcels in five cities, including South Pasadena. The BRT Alternative would include a combination of mixed-flow and dedicated bus routes with three bus stops in South Pasadena: (1) Huntington Drive at Garfield Avenue, (2) Huntington Drive at Marengo Avenue, and (3) Fair Oaks Avenue at Mission Street. Street widening on Huntington Drive between Garfield Avenue and Fair Oaks Avenue; and on Fair Oaks Avenue between Huntington Drive and Grevelia Street, between State Street and Columbia Street; and State Street/Grace Terrace and Del Mar Boulevard, would be required to accommodate the dedicated bus route. All these changes would result in the issues described in the prior paragraph, for which there is no mitigation.

c. LRT Alternative

Under the LRT Alternative, the Draft EIR/EIS also fails to analyze the impact of the temporary loss of 60 on-street parking spaces associated with the two LRT Alternative stations in South Pasadena. (Draft EIR/EIS at pp. 3.1-2–3.1.3.) The LRT Alternative would also require the acquisition of 15 full parcels and one partial parcel. (Draft EIR/EIS, Table 3.3.6, at p. 3.3-43.) Because the impact resulting from the temporary loss of parking is not analyzed, only a single mitigation measure is offered, concerning parcel acquisition: all property will be acquired according to state and local law. (Draft EIR/EIS at p. 3.3-47–3.3-48.) Unfortunately that provides no discussion of feasible mitigation measures to address the temporary loss of parking spaces due to LRT construction.

The proposed acquisition of 15 parcels in the City totaling 219,616 square feet (Draft EIR/EIS, Table 3.3), would place undue stress on the City's economic vitality. It would displace 28 businesses that are currently relied upon by residents and contribute needed sales tax revenue to the City. In addition, the Draft EIR/EIS identifies that the LRT Alternative would result in 13 adverse effects at intersections yet includes no mitigation measures to avoid or minimize those impacts. (Draft EIR/EIS, Table 3.5.12.) The Draft EIR/EIS provides no analysis of the environmental impacts of the "temporary" loss of parking for the estimated LRT construction of six years in affected cities, including South Pasadena. Because the impacts resulting from the loss of parking are not analyzed, no mitigation measures are offered.

Finally, the LRT Alternative does not provide stations in communities that could benefit from an alternative mode of transportation. Metro's 2015 San Gabriel Valley Sub-regional Mobility Matrix identified numerous transit dependent populations in the study area that include the cities of Alhambra, Monterey Park, Rosemead and El Monte. Yet, the proposed LRT Alternative only includes one station in Alhambra, and no stations in Monterey Park, while placing two stations underground in South Pasadena, despite the existence of an existing station less than one mile away at Mission Street and Meridian Avenue.

C. Draft EIR/EIS Fails to Evaluate Noise Impacts

As the 5-Cities Alliance points out, the Draft EIR/EIS is woefully lacking in adequate analysis of construction-related noise and vibration impacts. (SMW letter, pp. 49–52.) Not only does the generic description of noise levels fail to inform anyone, especially the people living and working near this construction-related noise, what they might expect, the Draft EIR/EIS contains no identified noise impact baseline for any of the alternatives from which to determine whether an impact is significant. A fulsome analysis based on relevant facts is required under CEQA. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 194.) Additionally, an EIR should rely upon scientific and factual data to determine whether a project may have a significant effect on the environment and consider direct and indirect physical changes in the environment that the project may cause. (Cal. Code Regs., tit. 14, § 15064(a), (d).)

First, under the TSM/TDM Alternative, no mitigation measures were provided for the short- and long-term noise impacts to South Pasadena Middle School, Almansor Academy, and Saint James Parish Day School or for the short-term noise impacts to South Pasadena High School. Furthermore, the diversion of traffic resulting from the prohibition of left turns at the intersections of Fremont Avenue/Oneonta Knoll Street, Fremont Avenue/Beech Street, Fremont Avenue, Maple Street, and Fremont Avenue/Elmpark Street to and from Oneonta Knoll Street, Beech Street, Maple Street, and Elmpark Street; left turn movements from Fair Oaks Avenue to Oxley Street, El Centro Street, Mission Street, and Hope Street; and left turn movements from southbound Fair Oaks Avenue to eastbound Monterey Road could result in increased noise impacts to the surrounding residential community (Draft EIR/EIS at p. 3.3-29 [community facilities that “could” experience long-term noise effects].) However, the Draft DEIR/DEIS fails to examine such potential impacts.

Second, regarding the BRT Alternative, the report fails to comply with CEQA because there is no baseline to support the Draft EIR/EIS’ conclusion that an impact is not significant, or that the mitigation measures, including unsightly sound barriers, will mitigate the impact. For instance, the report concludes that noise impacts from the BRT cannot be significant because permanent noise levels may only increase by a few decibels: “Because South Pasadena Middle School does not appear to engage in noise-sensitive outdoor activities on a routine basis and, based on a visual inspection of the exterior of its facilities and the warm climate in which it is located, is likely to rely on air conditioning instead of opening windows for ventilation, the permanent noise level increase anticipated to occur under the BRT Alternative would not adversely affect its ability to serve the community.” (Draft EIR/EIS at p. 3.14-13.) Yet without a baseline, it is impossible to know whether any decibel increase will nonetheless create a significant impact.

What is more, while the Draft EIR/EIS acknowledges that there will be short-term noise effects for the South Pasadena/San Marino YMCA, it does not identify the extent of those effects or provide any further analysis. (Draft EIR/EIS at pp. 3.1-17.) No mitigation measure is provided.

Third, the LRT Alternative will also create construction-related noise and vibration impacts that were not thoroughly analyzed. South Pasadena will be directly affected by the proposed excavation (Draft EIR/EIS at p. 3.14-9) and by the noise associated with driving materials to and from the construction sites. As the Draft EIR/EIS notes, preliminary haul truck routes would include segments on Fair Oaks Avenue and Fremont Avenue. (Draft EIR/EIS at p. 2-53; see also p. 3.5-8.) The Draft EIR/EIS provides few meaningful mitigation measures to address the impacts of the LRT Alternative. For instance, one of the mitigation measures identified to substantially reduce noise is to maintain tunnel-bore machinery in good working order. (Draft EIR/EIS at pp. 3.14-16–3.14-17.) Another is to comply with Caltrans Standard Specifications Section 14-8.02, “Noise Control.” (Draft EIR/EIS at p. 3.14-16.) While these are helpful measures, they are insufficiently described and do not go far enough to mitigate the significant noise impacts, and do not begin to address vibration impacts.

Fourth, as with the excavation of the light rail tunnel, construction-related noise and vibration under the Freeway Tunnel is a concern. As the 5-Cities Alliance has already noted, the Draft EIR/EIS provides no specific information about noise impacts for the years of construction associated with excavating a tunnel. (SMW letter at p. 49.) While the Draft EIR/EIS acknowledges that construction will produce noise, it provides no analysis with respect to equipment use or haul truck trips associated with construction. (SMW letter at p. 49.)

A dual-bore tunnel design would require 360,000 trips, at a rate of 15 trucks per hour, to export material from the excavation site. (SMW letter at p. 50.) Oddly, the Draft EIR/EIS concludes that the noise impact is “less than significant and no mitigation is required.” (Draft EIR/EIS at p. 4-70.) It is difficult to believe this level of activity would not produce a potential noise impact worthy of evaluation. Moreover, the other mitigation measures offered for the Freeway Tunnel, which the 5-Cities Alliance noted do not even apply to the Freeway Tunnel Alternative, are inadequate as well. (SMW letter at p. 56.)

Finally, with respect to all alternatives, the Draft EIR/EIS fails to consider whether construction is even feasible given local noise ordinances. As stated in the 5-Cities Alliance letter, the Pasadena Municipal Code allows construction within a residential district or within a radius of 500 feet in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance” from 7 a.m. to 7 p.m., Monday through Friday, and from 8 a.m. to 5 p.m. on Saturday. The South Pasadena Ordinance establishes even more stringent restrictions, prohibiting construction on weekdays before 8 am or after 7 p.m., Monday – Friday.⁹ However, the Draft EIR/EIS made no attempt to determine whether construction would cause discomfort or annoyance outside the ordinances’ permitted hours.

⁹ The Code provides: “It is unlawful for any person to perform any construction activity within a residential zone or within five hundred feet thereof on Monday through Friday before eight a.m. and after seven p.m., Saturday before nine a.m. and after seven p.m., and on Sunday before ten a.m. and after six p.m.” (South Pasadena Mun. Code 19A.13 subd.(a).)

D. Draft EIR/EIS Fails to Evaluate Geology and Soils Impacts

1. Geology-Related Impacts

CEQA requires a thorough discussion of geologic risks and hazards. (*California Oak Foundation v. Regents of University of California* (2010) 188 Cal.App.4th 227, 263–264.) As noted by the 5-Cities Alliance, the analysis of geologic and seismic impacts, as well as potential mitigation, is inadequate. (SMW letter at p. 59.) South Pasadena is particularly concerned about the Project's impact on the Raymond fault, and the lack of analysis of the Raymond fault's impact on each proposed alternative.

The City lies directly on this active fault. Two other faults, the San Rafael fault and the Eagle Rock fault, also run directly below the City. The Draft EIR/EIS explains that there is "little consensus on the rate of slip for the Raymond fault" and offers one statistical view from Caltrans about the rate. (Draft EIR/EIS at p. 3.10-4.) This does not provide the appropriate level of scientific and factual analysis under CEQA. (See Cal. Code Regs., tit. 14, § 15064(a), (d).)

Both the LRT and Freeway Tunnel Alternatives require the excavation of enormous, freeway-sized tunnels under the City, within the active fault area. As stated in the 5-Cities Alliance letter, the Draft EIR/EIS relies upon outdated methodology in its analysis of the magnitude of active fault rupture offset and therefore significantly underestimates this impact. (Draft EIR/EIS at pp. 3.10-5–3.10-20.) As all persons living in the larger Los Angeles metropolitan area should acknowledge, it is not a matter of "if," but "when," a significant earthquake will occur. The Draft EIR/EIS improperly evaluates the potential fault offset impact on the LRT and Freeway Tunnel Alternative, which shows a clear failure to study the potential impacts on the City of South Pasadena of a significant earthquake during construction or operation of either Alternative. The City is gravely concerned that the science behind the Draft EIR/EIS's prediction of fault activity is outdated and underestimates the risk. (SMW letter at p. 61.)

Moreover, the Freeway Tunnel Alternative is located in or adjacent to a landslide hazard zone, and there is potential for unmapped landslides to occur along or adjacent to the Tunnel. (Draft EIR/EIS at p. 3.10-20.) After recognizing such a significant impact, however, the Draft EIR/EIS does not discuss the feasibility of mitigation.

Finally, as discussed below, many of the properties located along Freeway Tunnel segments have historical significance. Ground settlement can cause damage to existing structures. Under the Freeway Tunnel Alternative, the Draft EIR/EIS suggests a low likelihood of ground settling. (Draft EIR/EIS at pp. 3.10-20–3.10-12.) However, there is inadequate scientific data to support this point.

2. Soils-Related Impact

To evaluate whether an impact is significant, the lead agency must discuss the significance criteria to evaluate the impacts. (Cal. Code Regs., tit. 14, § 15064(b).) The City

is concerned that the Draft EIR/EIS does not take this step. As the 5-Cities Alliance pointed out, the Draft EIR/EIS does not identify the local design standards and building codes that would mitigate significant activity related to soils. (South Pasadena Mun. Code, 36.340.040 [Hillside Development Design Guidelines].) Therefore analysis of the significant soils impact of any of the alternatives is necessarily flawed. Because the significance criteria were never provided and the impact was not analyzed, no mitigation was suggested.

E. Draft EIR/EIS Fails to Evaluate Hydrology Impacts

The City is also concerned about the Draft EIR/EIS' inadequate discussion of hydrology impacts. First, the Draft EIR/EIS acknowledges that ground water levels in the study area "vary considerably." (Draft EIR/EIS at p.3.10-3.) However, the Draft EIR/EIS provides little other description of the groundwater basins and floodplain the Project would impact.

South Pasadena holds historic groundwater pumping rights within the Main San Gabriel Basin. The LRT Alternative and the Freeway Tunnel Alternative could both have a great impact on this basin. For the LRT Alternative, the Draft EIR/EIS concludes that based on available information, the groundwater table is deeper than base slab levels, and inflow is not expected. (Draft EIR/EIS at p. 3.10-11.) However, this cursory treatment does not comport with the requirements under CEQA. (SMW letter at p. 69.)

What is more, as discussed above, the relationship between the active Raymond fault and water supply has not been evaluated. No threshold of significance has been established regarding hydrology in the area; further, there is no discussion of the impact on the water table of the current prolonged extraordinary drought or how the water table may change if and when the drought breaks. Without this analysis, the impacts of construction and operation of either the LRT or Freeway Tunnel Alternative on the City's access to groundwater supplies and groundwater quality are unknown. The potential for the construction of either the LRT or Freeway Tunnel Alternative to introduce groundwater contaminants to the City's drinking water due to penetration of the Raymond fault is a significant impact which must be identified, studied and mitigated. This analysis cannot be deferred to the actual approval of the Project, as such a deferral violates both CEQA and NEPA. (Draft EIR/EIS at pp. 3.10-21–3.10-24.)

F. Draft EIR/EIS Fails to Evaluate Impacts to Historic and Cultural Resources

The City adopts and incorporates the comments submitted by the National Trust for Historic Preservation (National Trust) in its comment letter dated August 5, 2015. Additionally, the City attaches and incorporates its Historic Resources Survey Phase 1: SR 710 Area of Potential Effects to identify the historic resources which could be impacted by any of the proposed alternatives (except the No Build Alternative). (Attachment 3.) The CEQA regulations already recognize the importance of evaluating historical resources, scenic quality, and public services. (Cal. Code Regs., tit. 14, § 15126.2 subd. (a).)

South Pasadena is home to numerous historically significant sites that are either included on or are eligible for the National Register of Historic Places. For example, the Historic Resources Survey (Attachment 3) found that eight properties in the City within the Area of Potential Effects (APE) had been designated at the federal, state, or local level (with 34 additional properties presently eligible for such a designation) and 76 properties were listed in the California Historical Resources Inventory. This means more than 100 properties within the APE are either recognized, eligible, or listed as having some historic or cultural significance.

At least 36 properties within South Pasadena's APE that are eligible for cultural resource protection have not been identified in the Draft EIR/EIS. These properties are listed in Appendix C of the City survey. Additionally, the survey identifies the El Cerrito Historic District, Gillette Crescent Neighborhood, and Library Neighborhood as qualifying historic districts at the federal, state, and/or local levels, none of which were included in the Draft EIR/EIS cultural resource assessment. In addition, the State Historic Preservation Officer recommends that the Library Neighborhood Historic District is eligible for listing in the National Register. If Caltrans does not elect to withdraw the Draft EIR/EIS and instead maintains lead agency responsibility, it should include these omitted resources in its Final EIR/EIS analysis.

First, while the Draft EIR/EIS states that the BRT and LRT Alternatives would have no adverse effect on South Pasadena Middle School, it is unclear how this conclusion was drawn. (Draft EIR/EIS, Table 2.15 at p. 2-94.) Although the Draft EIR/EIS concludes that the Freeway Tunnel Alternative would have no adverse effect on the 45 historic properties above the Tunnel segments, it excluded discussion of potential impacts to properties adjacent to the Freeway Tunnel imprint. The Draft EIR/EIS selected for analysis only those properties directly above the Freeway Tunnel segments, even though adjacent properties might be affected by its construction.

The City is concerned, as is the National Trust, that potential harm to historic properties from constant vibration could be severe. CEQA requires more than a cursory analysis of this type of severe harm. For instance, the City is apprehensive that construction of the South Pasadena LRT station would come within 20 feet of the Fair Hope Building in Pasadena, as jackhammers and other heavy equipment could cause cosmetic damage that may "diminish the integrity of the significant historic features." (Draft EIR/EIS at p. 3.7-65.) For instance, the report identifies the Horatio Rust Prehistoric Village site, which was exposed in 1897 during road grading activities, "not likely" to be damaged in construction of this alternative, although "the potential exists to alter or damage character-defining features that qualify the site for inclusion in the National Register." (Draft EIR/EIS at p. 3.7-87.) The City is concerned about a lack of mitigation for these impacts. As another example, the Draft EIR/EIS provides that segments of Historic Route 66 would be demolished to accommodate excavations for the two new LRT stations in South Pasadena. (Draft EIR/EIS at p. 3.7-67.) The adverse effect is assumed to be eliminated because the road would be "rebuilt" after construction is finished.

Second, with respect to the Freeway Tunnel Alternative, evaluation of the impact on cultural resources is also questionable because the “duration of activity under any given resource would be approximately 1 or 2 days and would occur at a depth of 120 to 150 feet,” so that tunnel boring would be undetectable at the surface. (Draft EIR/EIS, Table 3.7.5 at p. 3.7-93.) An EIR should rely upon scientific and factual data to determine whether a project may have a significant effect on the environment and consider direct and indirect physical changes in the environment that the project may cause. (Cal. Code Regs., tit. 14, § 15064(a), (d).)

The City is also concerned about the impact on historic resources if a TBM breaks down in the Freeway Tunnel. As the National Trust noted in its letter, in other cities, such as Seattle, the only way to remove and repair a TBM is by digging straight down to create a rescue pit. The Draft EIR/EIS has not provided an analysis of the impacts of excavating below historic resources in the event of a machine breakdown. The City is already concerned about the lack of mitigation for noise impacts that would destroy the historic character of buildings near the Freeway Tunnel. The lack of acknowledgment of the impacts from digging directly below historic properties is even more troubling.

V. THE DRAFT EIR/EIS FAILS TO DESCRIBE FUNDING AND CONSTRUCTION LOGISTICS

As the Draft EIR/EIS focused largely on the Freeway Tunnel Alternative, South Pasadena too focuses its concerns on the inadequate analysis of and mitigation for its environmental impacts.

The Draft EIR/EIS’ discussion of the Freeway Tunnel Alternative offers an unduly optimistic cost estimate of \$3.2 billion for the single-bore variation and \$5.7 billion for the dual-bore variation, which is inconsistent with the cost estimates of similar projects. Based on the costs per mile of the current Seattle SR-99 Alaskan Way Viaduct Tunnel, the proposed dual-bore variation of the Freeway Tunnel Alternative would cost approximately \$8.82 billion.¹⁰ (Washington State Department of Transportation SR-99 Alaskan Way Viaduct Replacement Updated Cost and Tolling Summary Report, 2010 at p. 2.)¹¹ In another, more local example, Metro’s cost per mile estimates for tunnel projects are also internally inconsistent. Based on the Sepulveda Pass Corridor Systems Planning Study Preliminary Cost Report, the cost of the dual-bore variation of the Freeway Tunnel Alternative is approximately \$9.40 billion.¹² (Metro Sepulveda Pass Corridor Systems Planning Study, 2012 at p. 11.)¹³

¹⁰ \$980 million per mile (SR-99 Tunnel) * 4.5 mile (length of the Tunnel Alternative) * 2 (dual-bore) = \$8.82 billion

¹¹ This report is available at

http://www.wsdot.wa.gov/projects/viaduct/Media/Default/Documents/Reports/SR99_Cost_Tolling_Summary_Jan10.pdf

¹² \$1.044 billion per mile (Sepulveda Pass Tunnel) * 4.5 mile (length of the Tunnel Alternative) * 2 (dual-bore) = \$9.396 billion.

¹³ This study is available at http://media.metro.net/projects_studies/sfv-405/images/final_compendium_report/6.0%20Preliminary%20Cost%20Report.pdf.

Although this inconsistency is not disclosed in the CBA, discussion with one of the consultants involved in its preparation revealed that the estimate of jobs created is simply based upon an assumed creation metric of “x number” of jobs per construction dollar. This approach incorrectly inflates the number of jobs attributed to the LRT and Freeway Tunnel Alternatives since the TBMs should cost a minimum of \$80 million. The use of two TBMs is planned for single bore tunnel construction, and the use of four TBMs are planned for the dual bore tunnels. Since no TBM manufacturer is located in California, let alone the United States, the number of jobs attributed to such alternatives is significantly inflated.

Furthermore, the Draft EIR/EIS fails to adequately analyze or completely describe the construction of the Freeway Tunnel Alternative. References to the use of precast concrete tunnel rings are bereft of any explanation regarding where these 20-foot rings will be constructed and how they will be transported to the construction site. (Draft EIR/EIS, Executive Summary at p.10; see also Draft EIR/EIS at pp. 2-40, 2-72.) Similarly, it is unclear how the enormous TBM will even be transported to the construction site.

Additional ambiguity regarding the Freeway Tunnel Alternative design exists with the design of ventilation stacks at the North Portal. Confusingly, the Draft EIR/EIS contains references to one (Draft EIR/EIS at p. 2-70), four (Draft EIR/EIS at p. 2-70), and six ventilation structures (Draft EIR/EIS at p. 3.6-47) at the North Portal, which raise additional questions regarding the air quality analysis conducted in the Draft EIR/EIS.

Finally, while the Draft EIR/EIS paints a rosy picture of the Freeway Tunnel Alternative, the Draft EIR/EIS relies upon faulty data: theoretical use of revenue sources, such as possible use of tolls, and an assumption that there would be no elasticity of price demand creating a false conclusion that tolls could be set low enough to attract vehicles yet high enough to recover even the unrealistically low construction estimate costs. (Draft EIR/EIS at p. 2-86).

VI. NEED TO REFINE AND ADOPT A COMMUNITY-BASED “BEYOND 710” ALTERNATIVE

South Pasadena hereby incorporates the attached *Beyond 710: Moving Forward - New Initiative for Mobility and Community* (“C3 Initiative”). This initiative was developed by the C3, nongovernmental advocates such as the National Trust for Historic Preservation and Natural Resources Defense Council, 5-Cities Alliance, and public stakeholders. It provides a valid starting point to engage local communities and explore solutions to mobility while enhancing the quality of life for communities throughout the San Gabriel Valley. The City is most interested in supporting transit as described in the C3 Initiative as it better addresses the needs of transit-dependent communities and educational institutions such as California State University, Los Angeles. The City Council supports “the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.” (Attachment 4 [Resolution No. 7420].)

As reflected in the comments above, Metro is the proper lead agency to refine this initiative and ultimately adopt it as the local and regional project to improve transportation and the environment in the San Gabriel Valley. The City suggests that either a new study be undertaken to evaluate the modern purpose and needs, or Metro should work with cities and coalitions on local and sub-regional solutions (as laid out in the attached initiative) to address the transportation needs using Measure R1 moneys.

CONCLUSION

The City respectfully requests that Caltrans (and Metro) abandon the SR-710 North Project for the following reasons. First, the Project itself is flawed and unnecessary, failing to provide a solution to the region; however this realization can clear the way for Metro to conduct a more constructive and integrated assessment of regional non-freeway-based transportation options. Second, the SR-710 North Draft EIR/EIS is inadequate under CEQA and NEPA, as the document fails to provide an accurate, comprehensive analysis of the Project Description, Purpose and Need, Project impacts, mitigation and alternatives. Third, as the Draft EIR/EIS makes clear, the Project, particularly the Freeway Tunnel Alternative, would result in numerous significant and unmitigated environmental impacts.

Rather than pursue a freeway-based project which induces further use of vehicles, Metro should cooperate with other transportation agencies and the local communities and advocates to prepare a different project or alternative, such as "Beyond the 710," that provides a valid starting point to engage local communities and explore solutions to mobility while enhancing the quality of life for communities throughout the San Gabriel Valley.

The City encourages Metro to abandon the fallacy of sunk-cost thinking and embrace the wisdom of ending once and for all the quixotic quest for a freeway-extension of the present terminus of SR-710. Such a project should not be built because it does not meet the transit needs of the affected region, is adverse to state environmental goals favoring the reduction of Vehicle Miles Traveled and Greenhouse Gas Emissions, is unduly costly relative to its purported benefits, and cannot be built because all three of the cities (Los Angeles, South Pasadena, and Pasadena) which must consent to the "gap closure" in order to proceed with the Project,¹⁴ have resolutions opposing the Tunnel Alternative.

Abandonment of the Freeway Tunnel Alternative should serve as the beginning of the opportunity to work with the community to develop a multi-modal, environmentally superior and economically feasible project that can be built and can satisfy the transit needs of the region. In the event Caltrans and Metro continue to pursue their costly adherence to the present Project, they will need to respond to each of the comments contained or incorporated into this letter and then prepare a new Draft EIR/EIS to correct the problems identified in this letter. Namely, the City asks that the new study be founded

¹⁴ Requirement of California Streets & Highways Code Section 100.2; both Pasadena and South Pasadena formally oppose this Project.

on a contemporary (non-freeway and non-vehicle) purpose and need. The new Draft EIR/EIS should accurately analyze the transportation needs of the region and study widely supported multi-modal and community-based projects and sustainable strategies that minimize impacts on the surrounding communities and enhance mobility for all users as proposed by the Beyond the 710: Moving Forward Initiative.

We appreciate the opportunity to provide comments on the Draft EIR/EIS and look forward to working with Caltrans and Metro to develop a sustainable, feasible, and community-approved solution to the longstanding transportation needs in our region.

If you have any questions or comments please feel free to contact Sergio Gonzalez, City Manager, at sgonzalez@southpasadenaca.gov or (626)403-7210.


Sincerely,


Robert S. Joe
Mayor


Diana Mahmud
Mayor Pro Tem


Michael A. Cacciotti
Councilmember


Marina Khubesrian, M.D.
Councilmember


Richard D. Schneider, M.D.
Councilmember

Attachments:

1. City of South Pasadena Supplemental Questions and Comments
2. State Independent Quality Assurance Agreement between California Department of Transportation and Los Angeles County Metropolitan Transportation Authority, Agreement 07-4997; Project Number 0700000191 (June 12, 2014)
3. City of South Pasadena Historic Resources Survey Phase 1: SR 710 Area of Potential Effects
4. City of South Pasadena Resolution No. 7420

cc: Governor Jerry Brown
Secretary Brian P. Kelly, California State Transportation Agency
Will Kempton, Executive Director, California Transportation Commission
The Honorable Carol Liu, Senator, 25th District
The Honorable Chris Holden, Assembly Member, 41st District
Metro Board & Phillip Washington, Chief Executive Officer
Connected Cities and Communities
5-Cities Alliance
South Pasadena City Manager

ATTACHMENT 1
City of South Pasadena Supplemental Questions and
Comments

City of South Pasadena
Supplemental Questions/Comments

Chapter

Questions/Comments

Executive Summary	<ul style="list-style-type: none"> • “The lack of continuous north-south transportation facilities in the study area affects the overall efficiency of the larger regional transportation system, which results in congestion on freeways in the study area, cut-through traffic that affects the local streets in the study area, and poor transit operations in the study area due to congestion on the local arterial roads” (Executive Summary: Page 3)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Which travel modes were used to calculate the travel times in Figure ES-2?
	<ul style="list-style-type: none"> • “By shifting trips to freeways, the Freeway Tunnel Alternative would divert VMT off of local arterials, resulting in less cut-through traffic” (Executive Summary: Page 18)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ How much VMT would be diverted from cut-through traffic on local arterials to the Tunnel Alternative? ○ Where do these trips start and end? ○ What percentage of traffic is represented by new trips created by induced demand resulting from construction of a Tunnel Alternative?
	<ul style="list-style-type: none"> • “For the Freeway Tunnel Alternative, the arterial system truck intensity generally decreases from all the design and operational variations, with the freeway system truck intensity the same or lower than the No Build Alternative, depending on the design and operational variation” (Executive Summary: Pages 18-19)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ If there is a significant demand for north-south travel, a certain portion of the existing truck traffic must be diverted to other routes or local arterials; how would the freeway system truck intensity remain the same or be lower than the No Build Alternative?
	<ul style="list-style-type: none"> • “The Freeway Tunnel Alternative single-bore and dual-bore design variations are considered POAGCs [Projects of Air Quality Concern]” (Executive Summary: Page 21)
	<ul style="list-style-type: none"> <ul style="list-style-type: none"> ○ Why was the hot-spot analysis not included in the Air Quality Analysis? ○ Why was the Los Angeles Basin’s “non-attainment” status not thoroughly addressed in the Air Quality analysis? ○ If the DEIR/DEIS does not quantify additional VMT induced by the tunnel alternatives, how could it represent that the tunnel alternatives will not at least maintain or actually increase the basin's non-attainment?
	<ul style="list-style-type: none"> • Cumulative Impacts

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	<ul style="list-style-type: none"> ○ How will the Traffic Management Plan mitigate the impacts to traffic and circulation? Why are the details of the Traffic Management Plan not included in the Draft EIR/EIS evaluation to determine if it will serve as adequate mitigation? Without such inclusion, we are unable to determine the adequacy of the presumed mitigation.
	<ul style="list-style-type: none"> • Project Study Area <ul style="list-style-type: none"> ○ Why was there no analysis conducted for the sensitive receptors in La Canada Flintridge and Glendale, which are clearly going to witness increased congestion if a tunnel alternative is selected? • Out of Direction Travel <ul style="list-style-type: none"> ○ Not every trip needs to utilize a freeway, why would someone take the 605/210 from El Monte to Pasadena; or the 10/110 from City Terrace to Pasadena? How does the model take these facts into consideration? • “v/c ratio [Volume/Capacity Ratio] for traffic on north-south freeways is more than 10 percent greater than that for east-west freeways during the PM peak period” (Chapter 1, Proposed Project: Page 25) <ul style="list-style-type: none"> ○ What is the percentage of trucks on each of the segments listed in Tables 1.7 and 1.8? • Year 2035 Average PM Speeds shows an improvement on the 605 (Chapter 1, Proposed Project: Figures 1-7 and 1-8) <ul style="list-style-type: none"> ○ Why would there be an improvement to the 605 if there is a large demand for north-south travel? • “The high volume of cut-through traffic in the study area plays a major role in contributing to arterial congestion” (Chapter 1, Proposed Project: Page 31) <ul style="list-style-type: none"> ○ How much of the cut-through traffic in the study area is north-south? ○ How much more would north-south traffic on the SR-710 increase due to induced demand? • “Within the study area, high traffic volumes are observed on north-south arterials” (Chapter 1, Proposed Project: Page 31) <ul style="list-style-type: none"> ○ How much of that traffic is cut-through traffic? ○ Where are these trips starting and ending? • Existing and Future Transit Usage in the Study Area (Chapter 1, Proposed Project: Table 1.12) <ul style="list-style-type: none"> ○ Why were bus and light rail transit evaluated together?

Chapter 1, Proposed Project

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	<ul style="list-style-type: none"> Transit Travel Time to Downtown Pasadena from the communities of El Sereno, Alhambra, San Gabriel and Rosemead <ul style="list-style-type: none"> What is the travel time for bus and light rail from the communities of El Sereno, Alhambra, San Gabriel and Rosemead? What is the percentage of the population from each of the Study Area cities has accessibility to light rail? “SR-710 North Extension (tunnel) (alignment TBD). 4 toll lanes in each direction in tunnel” (Chapter 1, Proposed Project: Page 51) <ul style="list-style-type: none"> Why was the Tunnel not identified as the selected preferred alternative if a feasibility study for the Tunnel Alternative was already completed in 2006, in light of the CAA conformity confined to that project, and in general Metro endorsement of it (e.g. the Cost Benefit Analysis)? “Improve efficiency of the existing regional freeway and transit networks” (Chapter 1, Proposed Project: Page 54) <ul style="list-style-type: none"> Why would the LRT Alternative be designed to not connect to existing transit networks? “The Freeway Tunnel Alternative could preclude other transportation facilities along the same alignment in the study area such as an at-grade light rail alignment” (Chapter 1, Proposed Project: Pages 58-59) <ul style="list-style-type: none"> Could the Tunnel Alternative prevent the possibility of grade separating the Gold Line?
	<ul style="list-style-type: none"> TSM/TDM Alternative Elements (Chapter 2, Project Alternatives: Pages 10-26) <ul style="list-style-type: none"> Are there any additional highway TSM/TDM elements that were considered but ultimately not included? If so, why were they rejected?
	<ul style="list-style-type: none"> Freeway Tunnel Alternative (Chapter 2, Project Alternatives: Pages 60-86) <ul style="list-style-type: none"> Why was the St. John extension not included in Figure 2-6? Why was the Pasadena Avenue widening not included in Figure 2-6? How many ventilation structures will there be at the north portal? One, four, six? How can the air quality analysis be considered complete if it is unclear how many ventilation structures will be included? (Chapter 2, Project Alternatives: Page 70) How many entrances will there be to the emergency walk ways? How far are they spaced apart?

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	<ul style="list-style-type: none"> ○ What kind of Tunnel Boring Machine will be used? How will the boring machines be transported to and [?] removed from the tunnel? ○ How can the proposed Tunnel Alternative be consistent with the City of Los Angeles General Plan Transportation Element Policy 2.33 when the City of Los Angeles' General Plan Transportation Element Highways and Freeways Metro Subarea Map A5 map is outdated and fails to reflect the 2009 unanimous resolution that opposes the tunnel alternative? ○ Why were some of the policies evaluated under the Tunnel Alternatives and others precluded from evaluation claiming "the Freeway Tunnel Alternative would not construct any physical improvements"? ○ What contingency plan is proposed in case of a malfunction with the Tunnel Boring Machines and what are the environmental effects of that contingency plan?
Chapter 3.2, Growth	<ul style="list-style-type: none"> • Light Rail Transit - "it is unlikely that the improved mobility and accessibility resulting from the presence of the light rail stations themselves and the availability of both light rail service and increased bus service would be sufficient to attract new development to an area not already proposed for development" (Chapter 3.2, Growth: Page 5) <ul style="list-style-type: none"> ○ What type of project was assumed to be attractive enough to attract new or re-development? • Which transportation projects were assumed to go forward when evaluating the cumulative impacts for each of the alternatives? • What was the estimated number and types of employees that would be utilized for the duration of the construction period for each of the proposed alternatives? How many of these employees will be local? • "None of the short-term impacts related to emergency response services anticipated to occur during construction of the [alternatives] would be adverse" (Chapter 3.4, Utilities/Emergency Services: Pages 8-15) <ul style="list-style-type: none"> ○ What assumptions were made in concluding that delays in emergency services from the operation of the build alternatives would not be adverse? ○ How were arterial delays from the LRT Alternative and increased arterial congestion from the Tunnel Alternative taken into consideration when evaluating the impacts to emergency services response times?
Chapter 3.4, Utilities/Emergency Services	

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Chapter 3.5, Traffic and Transportation/Pedestrian and Bicycle Facilities	<ul style="list-style-type: none"> • “The Freeway Tunnel Alternative would result in similar temporary lane width reductions, reductions in the number of lanes, and restrictions on the number of lanes during off-peak hours associated with the TDM/TSM alternative improvement” (Chapter 3.5, Traffic and Transportation/Pedestrian and Bicycle Facilities: Page 8)
	<ul style="list-style-type: none"> ○ How would the delays be similar to those of the TDM/TSM when the Tunnel Alternative would also include TDM/TSM elements?
	<ul style="list-style-type: none"> ○ What assumptions were made concerning the movement of the Tunnel Boring Machines to the construction sites?
	<ul style="list-style-type: none"> • How many haul trips were estimated for the LRT Alternative? When and where would the haul trips take place?
	<ul style="list-style-type: none"> • How did the modeling take into consideration that the greatest amount of population and housing growth in the San Gabriel Valley will take place in Pasadena?
	<ul style="list-style-type: none"> • How does each of the proposed alternatives of the proposed project address the fact that the majority of trips in the San Gabriel Valley start and end in the San Gabriel Valley?
	<ul style="list-style-type: none"> • What was the basis for the assumption that the LRT Alternative users would be derived from other modes of transit, instead of new transit riders?
	<ul style="list-style-type: none"> • How are the transit users from the Tunnel Alternative derived from the TSM/TDM alternative?
	<ul style="list-style-type: none"> • How was induced demand taken into consideration when evaluating the Horizon Year (2035) Highway Performance by Alternative?
	<ul style="list-style-type: none"> ○ Why would the LRT Alternative alone experience an increase in VMT on arterials?
	<ul style="list-style-type: none"> • What “specific markets” would benefit from the TSM/TDM, BRT, and LRT Alternatives? Which market does the transit dependent community fall under? (Chapter 3.5, Traffic and Transportation/Pedestrian and Bicycle Facilities: Page 14)
	<ul style="list-style-type: none"> • Why is the increase in mode share in 2025 not reflected in a change in VMT for the LRT Alternative?
	<ul style="list-style-type: none"> • Table 3.5.7: Opening Year (2020/2025) and Horizon Year (2035) Truck Performance by Alternative
	<ul style="list-style-type: none"> ○ In 2025, there is a difference in VMT ranging from 0-100 for the Tunnel Alternatives, and in 2035 there is a difference ranging from 100-200 VMT; how many daily trucks are estimated in each variation of the Tunnel Alternative?
	<ul style="list-style-type: none"> • Table 3.5.11: Horizon Year (2035) System, Highway, and Transit Performance by Alternative

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	<ul style="list-style-type: none"> Why is the No Build Alternative “Not Applicable” when evaluating the change in total daily linked transit trips in the SCAG region? What would the baseline number of daily linked transit trips in the SCAG region be in 2035?
Chapter 3.6, Visual/Aesthetics	<ul style="list-style-type: none"> What assumptions were utilized in evaluating the widening of Pasadena Avenue? What is the purpose of each of the six ventilation structures identified for key view 30-FWV? (Chapter 3.6, Visual/Aesthetics: Page 47)
Chapter 3.7, Cultural Resources	<ul style="list-style-type: none"> Why is there no vibration effects identified from the Tunnel Alternatives when the LRT Alternative would require vibration isolation systems? What vibration impacts are associated with the construction and operation of the Freeway Tunnels?
Chapter 3.8, Hydrology and Floodplain	<ul style="list-style-type: none"> Why was the widening of the SR-710 not included in the Project Description? Will the widening add lanes to the existing freeway?
Chapter 3.9, Water Quality and Storm Water Runoff	<ul style="list-style-type: none"> What water quality impacts are associated with construction of the tunnel? Its operation and maintenance? Why was the possibility of a Tunnel Boring Machine malfunction or tunnel accident not taken into consideration when evaluating the impacts on water quality and storm water runoff? Why were contingency plans not evaluated?
Chapter 3.13, Air Quality	<ul style="list-style-type: none"> When will the TSM/TDM improvements begin and be completed? When will the BRT and LRT construction begin and be completed?
	<ul style="list-style-type: none"> How much reduction in GHGs as quantified on an absolute and percentage basis will result from implementation of the EPA vehicle and fuel regulations?
	<ul style="list-style-type: none"> How much additional GHG reduction would be necessary to meet SB 375 requirements?
	<ul style="list-style-type: none"> Carbon Monoxide Screening Analysis
	<ul style="list-style-type: none"> “Is the project included in the regional emissions analysis supporting the currently conforming RTP and TIP... YES” (Chapter 3.13, Air Quality: Page 15). How can the Carbon Monoxide Screening Analysis flowchart Section 3.1.6 be determined as a “yes,” when only one variation of one of the build alternatives is included in the conforming RTP and TIP?

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	<ul style="list-style-type: none"> ○ “Has the project design concept and/or scope changed significantly from that included within the regional analysis... No” (Chapter 3.13, Air Quality: Page 15). How can the Carbon Monoxide Screening Analysis flowchart Section 3.1.7 be determined as a “no,” when the variations from dual-bore or single-bore; toll or no-toll; express bus or no express bus; and truck or no-truck variations differ from the originally identified dual-bore tunnel with toll and with trucks? ○ How were the four intersections selected? Why are they located outside of the project area?
	<ul style="list-style-type: none"> • “The PM modeling was set up to capture the areas that are potentially of air quality concern for particulates based on initial discussion with EPA.” <ul style="list-style-type: none"> ○ What parameters were used to select these specific locations?
	<ul style="list-style-type: none"> • Table 3.13.10 Regional Vehicle Emissions <ul style="list-style-type: none"> ○ How were regional vehicle emission changes from the TSM/TDM components, included in each of the build alternatives, evaluated? ○ What accounts for an increase in emissions from the built alternatives [each built alternative?] versus the No Build Alternative? ○ Are the changes in regional vehicle emissions from the No Build Alternative considered significant?
Chapter 3.14, Noise and Vibration	<ul style="list-style-type: none"> • “Approximately 30 heavy trucks per hour would be carrying materials away from the project site” (Chapter 3.14, Noise and Vibration: Page 7) <ul style="list-style-type: none"> ○ How many truck haul trips would there be per day? Would it be accurate to say that there would be one truck leaving the site every two minutes, or one truck leaving or arriving at the site per minute, a total of 1,440 truck trips per day with a 24-hour operation? What would be considered a significant amount of truck hauling?
Chapter 3.25, Cumulative Impacts	<ul style="list-style-type: none"> • How much shallower is the LRT Tunnel compared to the Freeway Tunnel? • Why was there no discussion on induced demand in evaluation of the Freeway Tunnel alternatives?

ATTACHMENT 2

**State Independent Quality Assurance Agreement
between California Department of Transportation and
Los Angeles County Metropolitan Transportation
Authority, Agreement 07-4997; Project Number
0700000191 (June 12, 2014)**

**COOPERATIVE AGREEMENT
State Independent Quality Assurance (IQA)**

This Agreement, effective on June 12, 2014, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

Los Angeles County Metropolitan Transportation Authority, a public corporation/entity, referred to hereinafter as LACMTA.

RECITALS

1. PARTNERS are authorized to enter into a cooperative agreement for improvements to the state highway system (SHS) per the California Streets and Highways Code sections 114 and 130.
2. For the purpose of this Agreement, the implementation of the SR-710 (North) Study will be referred to hereinafter as PROJECT.
3. All responsibilities assigned in this Agreement will be referred to hereinafter as OBLIGATIONS.
4. The Project under this Agreement is the same as the following PROJECT COMPONENTS:
 - Project Approval and Environmental Document (PA&ED)
5. This Agreement is separate from and does not modify or replace any other cooperative agreement or memorandum of understanding between PARTNERS regarding the PROJECT.
6. The following work associated with this PROJECT has been completed or is in progress:
 - CALTRANS developed the Tunnel Technical Studies (Cooperative Agreement No. 07-4835).
7. In this Agreement capitalized words represent defined terms and acronyms.
8. PARTNERS hereby set forth the terms, covenants, and conditions of this Agreement, under which they will accomplish OBLIGATIONS.

RESPONSIBILITIES

9. LACMTA is SPONSOR for 100% of PROJECT.

10. LACMTA is the only FUNDING PARTNER for this Agreement. LACMTA will fund work activities using local fund sources. -PARTNERS agree to amend this Agreement prior to the expenditure of state or federal funds.
11. LACMTA is the IMPLEMENTING AGENCY for:
 - Project Approval and Environmental Document (PA&ED)
12. LACMTA is responsible for all WORK except any other responsibilities specifically assigned to CALTRANS in this Agreement.
13. CALTRANS is the CEQA lead agency for PROJECT.
14. CALTRANS is the NEPA lead agency for PROJECT.
15. LACMTA will prepare the environmental documentation for the PROJECT.
16. CALTRANS will provide Independent Quality Assurance (IQA) for the portions of WORK within existing and proposed SHS right-of-way. Per NEPA assignment and CEQA statutes, CALTRANS will perform its QC/QAP process review for environmental documentation.

SCOPE

General

17. LACMTA will perform all OBLIGATIONS in accordance with federal and California laws, regulations, and standards; FHWA STANDARDS; and CALTRANS STANDARDS.
18. CALTRANS retains the right to reject noncompliant WORK, protect public safety, preserve property rights, and ensure that all WORK is in the best interest of the SHS.
19. LACMTA will ensure that personnel participating in OBLIGATIONS are appropriately qualified or licensed to perform the tasks assigned to them.
20. PARTNERS will invite each other to participate in the selection of any consultants who participate in OBLIGATIONS.
21. CALTRANS will issue, upon proper application, the encroachment permits required for WORK within SHS right-of-way. Contractors and/or agents, and utility owners will not perform activities within the SHS right-of-way without an encroachment permit issued in their name.
22. If LACMTA discovers unanticipated cultural, archaeological, paleontological, or other protected resources during WORK, all WORK in that area will stop and LACMTA will notify CALTRANS within 24 hours of discovery. WORK may only resume after a qualified professional has evaluated the nature and significance of the discovery and a plan is approved for its removal or protection.

23. PARTNERS will hold all administrative drafts and administrative final reports, studies, materials, and documentation relied upon, produced, created, or utilized for PROJECT in confidence to the extent permitted by law and where applicable, the provisions of California Government Code section 6254.5(e) shall protect the confidentiality of such documents in the event that said documents are shared between PARTNERS.

PARTNERS will not distribute, release, or share said documents with anyone other than employees, agents, and consultants who require access to complete PROJECT without the written consent of the PARTNER authorized to release them, unless required or authorized to do so by law.

24. If a PARTNER receives a public records request pertaining to OBLIGATIONS, that PARTNER will notify PARTNERS within five (5) working days of receipt and make PARTNERS aware of any disclosed public documents. PARTNERS will consult with each other prior to the release of any public documents related to the PROJECT.
25. If HM-1 or HM-2 is found during any PROJECT COMPONENT, LACMTA will immediately notify CALTRANS.
26. CALTRANS, independent of PROJECT, is responsible for any HM-1 found within the existing SHS right-of-way. CALTRANS will undertake, or cause to be undertaken, HM MANAGEMENT ACTIVITIES related to HM-1 with minimum impact to PROJECT schedule.
27. If HM-1 is found within PROJECT limits and outside the existing SHS right-of-way, responsibility for such HM-1 rests with the owner(s) of the parcel(s) on which the HM-1 is found. LACMTA, in concert with the local agency having land use jurisdiction over the parcel(s), will ensure that HM MANAGEMENT ACTIVITIES related to HM-1 are undertaken with minimum impact to PROJECT schedule.
28. If HM-2 is found within PROJECT limits, the public agency responsible for the advertisement, award, and administration (AAA) of the PROJECT construction contract will be responsible for HM MANAGEMENT ACTIVITIES related to HM-2.
29. CALTRANS' acquisition or acceptance of title to any property on which any HM-1 or HM-2 is found will proceed in accordance with CALTRANS' policy on such acquisition.
30. PARTNERS will comply with all of the commitments and conditions set forth in the environmental documentation, environmental permits, approvals, and applicable agreements as those commitments and conditions apply to each PARTNER's responsibilities in this Agreement.
31. Upon OBLIGATION COMPLETION, ownership or title to all materials and equipment constructed or installed for the operations and/or maintenance of the SHS within SHS right-of-way as part of WORK become the property of CALTRANS.
32. CALTRANS will not accept ownership or title to any materials or equipment constructed or installed outside SHS right-of-way.

33. LACMTA will accept, reject, compromise, settle, or litigate claims of any non-Agreement parties hired to do WORK in that component.
34. If WORK stops for any reason, LACMTA will place PROJECT right-of-way in a safe and operable condition acceptable to CALTRANS.
35. If WORK stops for any reason, LACMTA will continue to implement all of its applicable commitments and conditions included in the PROJECT environmental documentation, permits, agreements, or approvals that are in effect at the time that WORK stops, as they apply to LACMTA's responsibilities in this Agreement, in order to keep PROJECT in environmental compliance until WORK resumes.
36. LACMTA will furnish CALTRANS with all relevant deliverables and history files related to PROJECT facilities on the SHS within one hundred eighty (180) days following the completion of each PROJECT COMPONENT.

Environmental Permits, Approvals and Agreements

37. PARTNERS have determined that there are no environmental permits, approvals or agreements necessary for this phase of PROJECT. If PARTNERS later determine that an environmental permit, approval or agreement is necessary for this phase of PROJECT, PARTNERS will amend this Agreement to reflect the appropriate details.

Project Approval and Environmental Document (PA&ED)

California Environmental Quality Act (CEQA)

38. CALTRANS will determine the type of environmental documentation required and will cause that documentation to be prepared.
39. CEQA environmental documentation will follow the CALTRANS STANDARDS that apply to the CEQA process including, but not limited to, the guidance provided in the Standard Environmental Reference available at www.dot.ca.gov/ser.
40. LACMTA will prepare the appropriate CEQA environmental documentation to meet CEQA requirements.
41. Any portion of the CEQA environmental documentation prepared by LACMTA, including any studies and reports, will be submitted to the CALTRANS for review, comment, and approval at appropriate stages of development prior to public availability.
42. LACMTA will prepare, publicize, and circulate all CEQA-related public notices and will submit said notices to CALTRANS for review, comment, and approval prior to publication and circulation.
43. LACMTA will plan, schedule, prepare materials for, and host all CEQA-related public meetings and will submit all materials to CALTRANS for review, comment, and approval at least 10 working days prior to the public meeting date.
44. The CEQA lead agency will attend all CEQA-related public meetings.

National Environmental Policy Act (NEPA)

45. Pursuant to Chapter 3 of title 23, United States Code (23 U.S.C. 326) and 23 U.S.C. 327, CALTRANS is the NEPA lead agency for the PROJECT and is responsible for NEPA compliance.
46. Any NEPA environmental documentation prepared by LACMTA will follow FHWA and CALTRANS STANDARDS that apply to the NEPA process including, but not limited to, the guidance provided in the FHWA Environmental Guidebook (available at www.fhwa.dot.gov/hep/index.htm) and the Standard Environmental Reference (SER available at <http://www.dot.ca.gov/ser/>).
47. LACMTA will prepare the appropriate NEPA environmental documentation to meet NEPA requirements.
48. NEPA environmental documentation prepared by LACMTA (including, but not limited to, studies, reports, public notices, and public meeting materials, determinations, administrative drafts, and final environmental documents) will be submitted to CALTRANS for review, comment, and approval prior to public availability.
49. LACMTA will prepare, publicize, and circulate all NEPA-related public notices, except Federal Register notices. LACMTA will submit all notices to CALTRANS for CALTRANS' review, comment, and approval prior to publication and circulation.

CALTRANS will work with the appropriate federal agency to publish notices in the Federal Register.
50. The NEPA lead agency will attend all NEPA-related public meetings.
51. If LACMTA holds a public meeting about PROJECT, LACMTA must clearly state its role in PROJECT and identify the CEQA and NEPA lead agencies on all meeting publications. All meeting publications must also inform the attendees that public comments collected at the meetings are not part of the CEQA or NEPA public review process.

LACMTA will submit all meeting advertisements, agendas, exhibits, handouts, and materials to the appropriate lead agency for review, comment, and approval at least 10 working days prior to publication or use. If LACMTA makes any changes to the materials, it will allow the appropriate lead agency to review, comment on, and approve those changes at least three (3) working days prior to the public meeting date.

CALTRANS maintains final editorial control with respect to text or graphics that could lead to public confusion over CEQA-related roles and responsibilities. CALTRANS has final approval authority with respect to text or graphics that could lead to public confusion over NEPA-related roles and responsibilities.

52. Any PARTNER preparing environmental documentation, including the studies and reports, will ensure that qualified personnel remain available to help resolve environmental issues and perform any necessary work to ensure that PROJECT remains in environmental compliance.

COST

Cost: General

53. All costs associated with completing the PROJECT, except where otherwise noted in this agreement, are the responsibility of LACMTA including, but not limited to:
- Public meetings.
 - Environmental commitments and compliance.
 - Obtaining, implementing and renewing resource agency permits.
 - Preparing, publicizing, and circulating all CEQA and NEPA related public notices.
 - Planning, scheduling, and hosting all CEQA and NEPA related public hearings.
54. Legal challenges, awards, judgments, settlements, fines, interest, or penalties levied against a PARTNER will be paid; independent of OBLIGATIONS cost, by the PARTNER whose actions or lack of action caused the levy.
55. CALTRANS, independent of PROJECT, will pay, or cause to be paid, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within the existing SHS right-of-way.
56. Independent of PROJECT, all costs for HM MANAGEMENT ACTIVITIES related to HM-1 found within PROJECT limits and outside the existing SHS right-of-way will be the responsibility of the owner(s) of the parcel(s) where the HM-1 is located.
57. Independent of OBLIGATIONS cost, CALTRANS will fund the cost of its own IQA for WORK done within existing or proposed future SHS right-of-way.
- Independent of OBLIGATIONS cost, CALTRANS will fund the cost of its QC/QAP process review for environmental documentation.
58. CALTRANS will provide encroachment permits to PARTNERS, their contractors, consultants and agents, at no cost.

SCHEDULE

59. LACMTA will manage the schedule for OBLIGATIONS through the work plan included in the PROJECT MANAGEMENT PLAN.

GENERAL CONDITIONS

60. PARTNERS understand that this Agreement is in accordance with and governed by the Constitution and laws of the State of California. This Agreement will be enforceable in the State of California. Any PARTNER initiating legal action arising from this Agreement will file and maintain that legal action in the Superior Court of the county in which the CALTRANS district office that is signatory to this Agreement resides, or in the Superior Court of the county in which PROJECT is physically located.
61. All OBLIGATIONS of CALTRANS under the terms of this Agreement are subject to the appropriation of resources by the Legislature, the State Budget Act authority, and the allocation of funds by the California Transportation Commission.
62. When CALTRANS performs IQA activities it does so for its own benefit. No one can assign liability to CALTRANS due to its IQA activities.
63. Neither LACMTA nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon CALTRANS under this Agreement. It is understood and agreed that CALTRANS, to the extent permitted by law, will defend, indemnify, and save harmless LACMTA and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by CALTRANS and/or its agents under this Agreement.
64. Neither CALTRANS nor any officer or employee thereof is responsible for any injury, damage, or liability occurring by reason of anything done or omitted to be done by LACMTA, its contractors, sub-contractors, and/or its agents under or in connection with any work, authority, or jurisdiction conferred upon LACMTA under this Agreement. It is understood and agreed that LACMTA, to the extent permitted by law, will defend, indemnify, and save harmless CALTRANS and all of its officers and employees from all claims, suits, or actions of every name, kind, and description brought forth under, but not limited to, tortious, contractual, inverse condemnation, or other theories and assertions of liability occurring by reason of anything done or omitted to be done by LACMTA, its contractors, sub-contractors, and/or its agents under this Agreement.
65. PARTNERS do not intend this Agreement to create a third party beneficiary or define duties, obligations, or rights in parties not signatory to this Agreement. PARTNERS do not intend this Agreement to affect their legal liability by imposing any standard of care for fulfilling OBLIGATIONS different from the standards imposed by law.
66. PARTNERS will not assign or attempt to assign OBLIGATIONS to parties not signatory to this Agreement.
67. PARTNERS will not interpret any ambiguity contained in this Agreement against each other. PARTNERS waive the provisions of California Civil Code section 1654.

68. A waiver of a PARTNER's performance under this Agreement will not constitute a continuous waiver of any other provision. An amendment made to any article or section of this Agreement does not constitute an amendment to or negate all other articles or sections of this Agreement.
69. A delay or omission to exercise a right or power due to a default does not negate the use of that right or power in the future when deemed necessary.
70. If any PARTNER defaults in its OBLIGATIONS, a non-defaulting PARTNER will request in writing that the default be remedied within 30 calendar days. If the defaulting PARTNER fails to do so, the non-defaulting PARTNER may initiate dispute resolution.
71. PARTNERS will first attempt to resolve Agreement disputes at the PROJECT team level. If they cannot resolve the dispute themselves, the CALTRANS district director and the executive officer of LACMTA will attempt to negotiate a resolution. If PARTNERS do not reach a resolution, PARTNERS' legal counsel will initiate mediation. PARTNERS agree to participate in mediation in good faith and will share equally in its costs.
72. Neither the dispute nor the mediation process relieves PARTNERS from full and timely performance of OBLIGATIONS in accordance with the terms of this Agreement. However, if any PARTNER stops fulfilling OBLIGATIONS, any other PARTNER may seek equitable relief to ensure that OBLIGATIONS continue.

Except for equitable relief, no PARTNER may file a civil complaint until after mediation, or 45 calendar days after filing the written mediation request, whichever occurs first.

PARTNERS will file any civil complaints in the Superior Court of the county in which the CALTRANS district office signatory to this Agreement resides or in the Superior Court of the county in which PROJECT is physically located. The prevailing PARTNER will be entitled to an award of all costs, fees, and expenses, including reasonable attorney fees as a result of litigating a dispute under this Agreement or to enforce the provisions of this article including equitable relief.

73. PARTNERS maintain the ability to pursue alternative or additional dispute remedies if a previously selected remedy does not achieve resolution.
74. If any provisions in this Agreement are found by a court of competent jurisdiction to be, or are in fact, illegal, inoperative, or unenforceable, those provisions do not render any or all other Agreement provisions invalid, inoperative, or unenforceable, and those provisions will be automatically severed from this Agreement.
75. PARTNERS intend this Agreement to be their final expression and supersedes any oral understanding or writings pertaining to OBLIGATIONS.
76. If during performance of WORK additional activities or environmental documentation is necessary to keep PROJECT in environmental compliance, PARTNERS will amend this Agreement to include completion of those additional tasks.

77. If the work performed on this Project is done under contract and falls within the Labor Code section 1720(a) (1) definition of "public works" in that it is construction, alteration, demolition, installation, or repair; or maintenance work under Labor Code section 1771 LACMTA must conform to the provisions of Labor Code sections 1720 through 1815, and all applicable provisions of California Code of Regulations found in Title 8, Chapter 8, Subchapter 3, Articles 1-7. LACMTA agrees to include prevailing wage requirements in its contracts for public works. Work performed by its own forces is exempt from the Labor Code's Prevailing Wage requirements.

LACMTA shall require its contractors to include prevailing wage requirements in all subcontracts funded by this Agreement when the work to be performed by the subcontractor is "public works" as defined in Labor Code Section 1720(a)(1) and Labor Code Section 1771. Subcontracts shall include all prevailing wage requirements set forth in CITY/COUNTY's contracts.

78. Except as otherwise provided in the Agreement, PARTNERS will execute a formal written amendment if there are any changes to OBLIGATIONS.
79. PARTNERS agree to sign a COOPERATIVE AGREEMENT CLOSURE STATEMENT to terminate this Agreement. However, all indemnification, document retention, audit, claims, environmental commitment, legal challenge, maintenance and ownership articles will remain in effect until terminated or modified in writing by mutual agreement.

DEFINITIONS

CALTRANS STANDARDS – CALTRANS policies and procedures, including, but not limited to, the guidance provided in the *Guide to Capital Project Delivery Workplan Standards* (previously known as WBS Guide) available at www.dot.ca.gov/hq/projmgmt/guidance.htm.

CEQA (California Environmental Quality Act) – The act (California Public Resources Code, sections 21000 et seq.) that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those significant impacts, if feasible.

CONSTRUCTION CAPITAL – See PROJECT COMPONENT.

COOPERATIVE AGREEMENT CLOSURE STATEMENT – A document signed by PARTNERS that verifies the completion of all OBLIGATIONS included in this Agreement and in all amendments to this Agreement.

FHWA – Federal Highway Administration

FHWA STANDARDS – FHWA regulations, policies and procedures, including, but not limited to, the guidance provided at www.fhwa.dot.gov/topics.htm.

FUNDING PARTNER – A PARTNER that commits funds to fulfill OBLIGATIONS. Each FUNDING PARTNER accepts responsibility to provide the funds it commits in this Agreement.

HM-1 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law whether it is disturbed by PROJECT or not.

HM-2 – Hazardous material (including, but not limited to, hazardous waste) that may require removal and disposal pursuant to federal or state law only if disturbed by PROJECT.

HM MANAGEMENT ACTIVITIES – Management activities related to either HM-1 or HM-2 including, without limitation, any necessary manifest requirements and disposal facility designations.

IMPLEMENTING AGENCY – The PARTNER is responsible for managing the scope, cost, and schedule of a PROJECT COMPONENT to ensure the completion of that component.

IQA (Independent Quality Assurance) – Ensuring that the IMPLEMENTING AGENCY's quality assurance activities result in WORK being developed in accordance with the applicable standards and within an established Quality Management Plan (QMP). IQA does not include any work necessary to actually develop or deliver WORK or any validation by verifying or rechecking work performed by another PARTNER.

NEPA (National Environmental Policy Act of 1969) – This federal act establishes a national policy for the environment and a process to disclose the adverse impacts of projects with a federal nexus.

OBLIGATION COMPLETION – PARTNERS have fulfilled all OBLIGATIONS included in this Agreement, and all amendments to this Agreement, and have signed a COOPERATIVE AGREEMENT CLOSURE STATEMENT.

OBLIGATIONS – All responsibilities to complete the PROJECT COMPONENTS in this Agreement.

PA&ED (Project Approval and Environmental Document) – See PROJECT COMPONENT.

PARTNER – Any individual signatory party to this Agreement.

PARTNERS – The term that collectively references all of the signatory agencies to this Agreement. This term only describes the relationship between these agencies to work together to achieve a mutually beneficial goal. It is not used in the traditional legal sense in which one PARTNER's individual actions legally bind the other PARTNER.

PROJECT COMPONENT – A distinct portion of the planning and project development process of a capital project as outlined in California Government Code, section 14529(b).

- **PID (Project Initiation Document)** – The activities required to deliver the project initiation document for PROJECT.
- **PA&ED (Project Approval and Environmental Document)** – The activities required to deliver the project approval and environmental documentation for PROJECT.
- **PS&E (Plans, Specifications, and Estimate)** – The activities required to deliver the plans, specifications, and estimate for PROJECT.
- **R/W (Right-of-way) SUPPORT** – The activities required to obtain all property interests for PROJECT.
- **R/W (Right-of-way) CAPITAL** – The funds for acquisition of property rights for PROJECT.
- **CONSTRUCTION SUPPORT** – The activities required for the administration, acceptance, and final documentation of the construction contract for PROJECT.
- **CONSTRUCTION CAPITAL** – The funds for the construction contract.

PROJECT MANAGEMENT PLAN – A group of documents used to guide a project's execution and control throughout that project's lifecycle.

QMP (Quality Management Plan) – An integral part of the PROJECT MANAGEMENT PLAN that describes IMPLEMENTING AGENCY's quality policy and how it will be used.

QC/QAP (QUALITY CONTROL/QUALITY ASSURANCE PROGRAM) – Per NEPA assignment CALTRANS will review all environmental documents as described in the Jay Norvell Memos dated October 1, 2012 (available at <http://www.dot.ca.gov/ser/memos.htm>). This also includes the independent judgment, analysis, and determination under CEQA that the environmental documentation meets CEQA statute and Guideline requirements.

SHS (State Highway System) – All highways, right-of-way, and related facilities acquired, laid out, constructed, improved, or maintained as a state highway pursuant to constitutional or legislative authorization.

SPONSOR – Any PARTNER that accepts the responsibility to establish scope of PROJECT and the obligation to secure financial resources to fund PROJECT. SPONSOR is responsible for adjusting the PROJECT scope to match committed funds or securing additional funds to fully fund the PROJECT scope. If a PROJECT has more than one SPONSOR, funding adjustments will be made by percentage (as outlined in Responsibilities). Scope adjustments must be developed through the project development process and must be approved by CALTRANS as the owner/operator of the SHS.

WORK – All efforts to complete the PROJECT COMPONENTS included in this Agreement as described by the activities in the Caltrans Workplan Standards Guide for the Delivery of Capital Projects (previously known as the WBS Guide) available at <http://www.dot.ca.gov/hq/projmgmt/guidance.htm>.

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTNER to this Agreement. PARTNERS will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this Agreement.

The primary Agreement contact person for CALTRANS is:

John K. Lee, Project Manager
100 South Main Street
Los Angeles, CA 90012

Office Phone: (213) 897-8623
Email: john_k_lee@dot.ca.gov

The primary Agreement contact person for LACMTA is:

Michelle Smith, Project Manager
One Gateway Plaza
Los Angeles, CA 90012


Office Phone: (213) 922-3057
Email: SmithMi@metro.net

SIGNATURES

PARTNERS declare that:

1. Each PARTNER is an authorized legal entity under California state law.
2. Each PARTNER has the authority to enter into this Agreement.
3. The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: 
Carrie L. Bowen
District Director

CERTIFIED AS TO FUNDS:

By: 
Paul Kwong
District Budget Manager

LOS ANGELES COUNTY
METROPOLITAN TRANSPORTATION
AUTHORITY

By: 
for Arthur T. Leahy
Chief Executive Officer

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By: 
Joyce Chang
Deputy

CLOSURE STATEMENT INSTRUCTIONS

If the following questions are ALL answered "YES" then this form may be used to terminate this Agreement.

1. Did PARTNERS complete all scope, cost and schedule commitments included in this Agreement and any amendments to this Agreement?
2. Did CALTRANS accept and approve all final deliverables submitted by LACMTA?
3. Did the CALTRANS HQ Office of Accounting verify that all final accounting for this Agreement and any amendments to this Agreement were completed?
4. If construction is involved, did the CALTRANS District Project Manager verify that all claims and third party billings (utilities, etc.) have been settled before termination of the Agreement?
5. Did PARTNERS complete and transmit all As-Builts and other required contract documents?

COOPERATIVE AGREEMENT CLOSURE STATEMENT

PARTNERS agree that they have completed all scope, cost, and schedule commitments included in Cooperative Agreement 07-4997 and any amendments to this Agreement.

The final signature date on this document terminates Cooperative Agreement 07-4997 except survival articles.

All survival articles in Cooperative Agreement 07-4997 will remain in effect until expired by law, terminated or modified in writing by PARTNER's mutual agreement, whichever occurs earlier.

The people signing this Agreement have the authority to do so on behalf of their public agencies.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

LACMTA

By: _____

By: _____

Name:

Name:

District Director

Chief Executive Officer

Date: _____

Date: _____

CERTIFIED AS TO ALL FINANCIAL
OBLIGATIONS/TERMS AND POLICIES

By: _____

Name:

District Budget Manager

ATTACHMENT 3

City of South Pasadena Historic Resources Survey Phase 1: SR 710 Area of Potential Effects



ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

June 25, 2015

HISTORIC RESOURCES GROUP

12 S. Fair Oaks Avenue, Suite 200, Pasadena, CA 91105-1915

Telephone 626 793 2400, Facsimile 626 793 2401

www.historicresourcesgroup.com

PREPARED FOR

**City of South Pasadena
Planning & Building
1414 Mission Street
South Pasadena, CA 91030**

DRAFT

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

**City of South Pasadena: Historic Resources Survey
Phase 1: SR 710 Area of Potential Effects**

HISTORIC RESOURCES GROUP

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INTRODUCTION

As part of the City of South Pasadena's ongoing efforts to identify and evaluate potential historic resources, the City received a State of California Certified Local Government (CLG) grant for the period 2013-2014 to prepare an updated Citywide Historic Context Statement.¹ As a follow-up to that effort, in 2015 South Pasadena commissioned a Citywide Historic Resources Survey and Inventory of Addresses Survey Update of all properties/resources constructed through 1970. The survey project is divided into three phases:

1. Phase 1: Caltrans State Route 710 North Area of Potential Effects (APE) as identified in the Draft Environmental Impact Report;²
2. Phase 2: Survey of modern resources constructed between 1935 and 1970; and
3. Phase 3: Update the City Inventory of Addresses.

The principal goals of the 2015 historic resources survey are:

- to update the City's out-of-date surveys and the Inventory of Addresses in accordance with applicable criteria and the Multiple-Property Documentation (MPD) framework provided in the 2014 City of South Pasadena Historic Context Statement;
- to conduct surveys of all mid-century-era properties and resources in the City, in light of the themes of significance and property types identified in the Historic Context Statement;
- to carry forward documentation on a select number of outstanding mid-century-era
- historic districts and individually eligible resources; and
- to create and provide an efficient, user-friendly method for accessing and sharing survey data with the public,

¹ Historic Resources Group, *City of South Pasadena Historic Context Statement*, December 2014.

² State of California Department of Transportation and the Los Angeles County Metropolitan Transportation Authority, *Draft Environmental Impact Report/Environmental Impact Statement and Draft Section 4(f) De Minimis Findings*, Volume I and II, March 2015. LSA Associates, Inc. and California Department of Transportation, District 7, *Historical Resources Evaluation Report for the State Route 710*

North Study, December 2014 and accompanying California Department of Parks and Recreation (DPR) forms for recording historical resources.

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stakeholders, Cultural Heritage Commission (CHC), and City staff through the use of state-of-the-art survey techniques and creation of a searchable database and/or Arc-GIS data/shape files easily adapted to the City's Arc-GIS and mapping system.

This report addresses Phase 1 of the survey project, which was undertaken in May and June 2015. The project was conducted by Historic Resources Group, including Christine Lazzaretto, Principal and Robby Aranguren, Planning Associate; both of whom meet the Secretary of the Interior's qualifications for professionals in historic preservation.³ It was overseen by John Mayer, Senior Planner, City of South Pasadena, and the Cultural Heritage Commission.

Previous Surveys

The City Council commissioned the first comprehensive historic resources survey in 1991. The purpose of that survey was to develop an inventory of historic resources and to provide a foundation for their recognition in all future planning processes. The Historic

Resources Survey: Inventory of Addresses was adopted by the City Council on November 30, 1994. The Inventory of Addresses includes properties that are designated, formally determined eligible for federal, state, or local listing, or appear eligible for federal, state, or local listing. In accordance with the City's Cultural Heritage Ordinance, all properties on the Inventory are considered historic resources for the purposes of the California Environmental Quality Act (CEQA).

In 2002, the Inventory of Addresses was updated through a reconnaissance-level survey of the City (identified as the Phase I Reconnaissance Level Survey). The Phase I survey documented 69 potential historic districts and 250 individual properties on Department of Parks and Recreation primary record forms (DPR 523A). In January 2003, Phase II was initiated to complete intensive-level documentation for the multi-phase survey project. Phase II consisted of an intensive-level survey of six potential historic districts, and the documentation of 261 individual properties on Department of

³ Federal Register, Vol. 48, No. 190, pp. 44738-44739, September 29, 1983.

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Parks and Recreation building, structure, and object forms (DPR 523B).

As of June 2014, there are approximately 2,567 properties (both individual and district contributors) listed in the Inventory of Addresses.⁴

Phase I Survey Area

Phase 1 of the survey will include the approximately 325 properties falling within the APE for the Caltrans State Route 710 North Study Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS). In addition, the Phase 1 survey looked at potential historic districts that were partially within the APE. A map illustrating the APE and the adjacent historic districts ("Phase 1 Survey Area") is included in Figure 1.

⁴ City of South Pasadena, "Inventory of Addresses," June 2014.

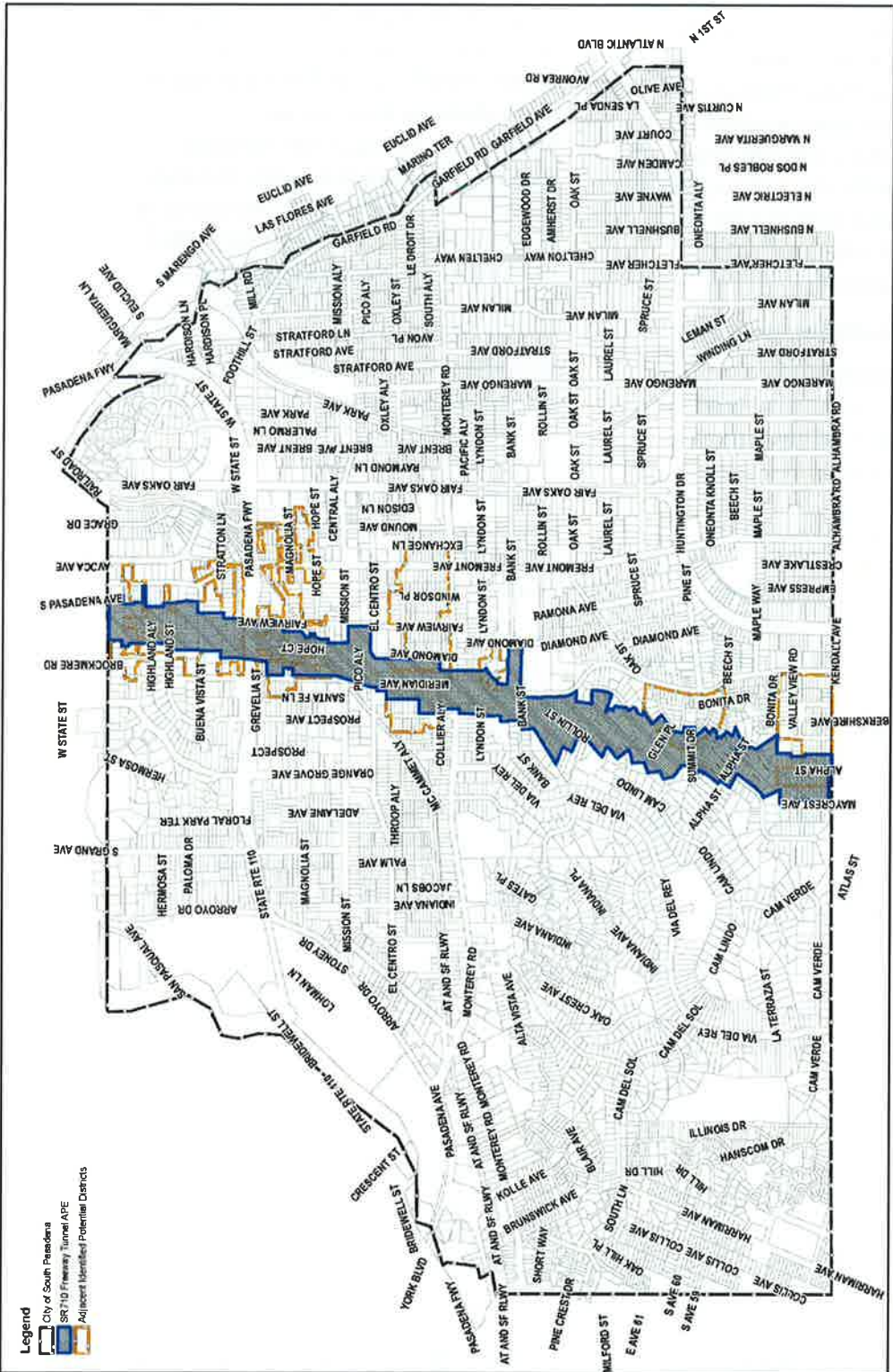


Figure 1: Phase 1 Survey Area

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GUIDELINES FOR EVALUATION

A property may be designated as historic by National, State, and local authorities. In order for a building to qualify for listing in the National Register or the California Register, it must meet one or more identified criteria of significance. The property must also retain sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated.

National Register of Historic Places

The National Register of Historic Places is an authoritative guide to be used by Federal, State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment.⁵ The National Park Service administers the National Register program. Listing in the National Register assists in preservation of historic properties in several ways including: recognition that a property is of significance to the nation, the state, or the community; consideration in the planning for federal or federally assisted projects; eligibility for federal tax benefits; and qualification for Federal

assistance for historic preservation, when funds are available.

To be eligible for listing and/or listed in the National Register, a resource must possess significance in American history and culture, architecture, or archaeology. Listing in the National Register is primarily honorary and does not in and of itself provide protection of an historic resource. The primary effect of listing in the National Register on private owners of historic buildings is the availability of financial and tax incentives. In addition, for projects that receive Federal funding, a clearance process must be completed in accordance with Section 106 of the National Historic Preservation Act. Furthermore, state and local regulations may apply to properties listed in the National Register.

The criteria for listing in the National Register follow guidelines established by the National Park Service for determining the significance of properties. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects:

- A. That are associated with events that have made a significant

⁵ 36CFR60, Section 60.2.

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contribution to the broad patterns of our history; or

- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.⁶

Integrity

In addition to having historic significance as outlined in the designation criteria, a property must retain sufficient integrity to convey its significance. Integrity is the authenticity of a property's historic identity as evidenced by the survival of physical

characteristics that existed during the property's historic period.⁷ The National Park Service has defined the following seven aspects of integrity:⁸

- **Location:** The place where the historic property was constructed or the place where the historic event occurred.
- **Design:** The combination of elements that create the form, plan, space, structure, and style of a property.
- **Setting:** The physical environment of a historic property.
- **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
- **Workmanship:** The physical evidence of the crafts of a particular culture of people during any given period in history or prehistory.

⁶ 36CFR60, Section 60.3.

⁷ Properties have been evaluated based upon the integrity they possess at the time of the field survey. If a property is rehabilitated according to preservation guidelines it may become eligible for designation in the future; however, the property would need to be re-evaluated in order to make that determination.

⁸ *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. Washington D.C.: U.S. Department of the Interior, National Park Service, 1995.

- **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time.
- **Association:** The direct link between an important historic event or person and a historic property.

California Register of Historical Resources

The California Register is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources.⁹

The criteria for eligibility for listing in the California Register are based upon National Register criteria. Properties are eligible for listing in the California Register that are:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. Associated with the lives of persons important to local, California or national history.
3. Embodies the distinctive characteristics of a type, period, region or method of construction

or represents the work of a master or possesses high artistic values.

4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

The California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register includes the following:

- California properties formally determined eligible for (Category 2 in the State Inventory of Historical Resources), or listed in (Category 1 in the State Inventory), the National Register of Historic Places.
- State Historical Landmarks No. 770 and all consecutively numbered state historical landmarks following No. 770. For state historical landmarks preceding No. 770, the Office of Historic Preservation (OHP) shall review their eligibility for the California Register in accordance with procedures to be adopted by

⁹ California PRC, Section 5023.1 (a).

the State Historical Resources Commission (commission).

- Points of historical interest which have been reviewed by the OHP and recommended for listing by the commission for inclusion in the California Register in accordance with criteria adopted by the commission.¹⁰

Local Designation

The City of South Pasadena's Cultural Heritage Ordinance as updated in 1992 contains criteria for the local designation of historic resources:

Section 2.73A-14(a)(2) Designation Criteria for Landmarks and Historic Districts.

Criteria and standards for the designation of landmarks and historic districts shall include any or all of the following, as applicable:

- (A) Its character, interest or value as a part of the heritage of the community;
- (B) Its location as a site of a significant historic event;
- (C) Its identification with a person, persons or groups who significantly contributed to the

culture and development of the city, state or United States;

- (D) Its exemplification of a particular architectural style of an era of history of the city;
- (E) Its exemplification of the best remaining architectural type in a neighborhood;
- (F) Its identification as the work of a person or persons whose work has influenced the heritage of the city, the state or the United States;
- (G) Its embodiment of elements of outstanding attention to architectural design, engineering, detail design, detail, materials or craftsmanship;
- (H) Its being a part of or related to a square, park or other distinctive area which should be developed or preserved according to a plan based on a historic cultural or architectural motif;
- (I) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

¹⁰ California PRC, Section 5023.1(d).

- (J) Its potential of yielding information of archaeological interest;
- (K) Its integrity as a natural feature or environment that strongly contributes to the well-being of the people of the city;
- (L) Its significance as a distinguishable neighborhood or area whose components may lack individual distinction;
- (M) With respect to the designation of a historic district, not less than fifty percent plus one of all affected owners of the proposed historic district must consent to such designation. Each parcel or lot shall be entitled to only one vote per parcel or lot. By way of example only, if the proposed historic district were composed of twenty parcels, then eleven property owners would be required to consent to the designation;
- (N) Subject to review and approval by the city council, the commission may by resolution adopt additional or more detailed criteria and standards for the determination of designation of landmarks and historic districts.

to districts. In addition, Section 2.73A-14(a)(2)(N) allows for the commission to adopt by resolution additional and more detailed criteria and standards for the designation of landmarks and historic districts subject to the review and approval of the city council.

Section 2.73A-14(a) (2) (H), (L) and (M) provide criteria specifically related

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HISTORIC RESOURCES GROUP

PHASE 1 METHODOLOGY

At the outset of the project, HRG reviewed all previous evaluations for properties within the Phase 1 Survey Area. This included those properties identified in the City Inventory of Addresses, evaluated as potentially eligible in previous survey efforts on behalf of the City of South Pasadena, listed in the California Historical Resources Inventory (HRI), and identified as potential historic resources in cultural resources study of the DEIR.

Notes on the cultural resources study of the DEIR:

- There is a Programmatic Agreement addressing survey the methodology for the 710 study to ensure compliance with Section 106;¹¹ the general framework outlined in the Programmatic Agreement was also used to review potential historic resources under the California Environmental Quality Act (CEQA).
- Although Caltrans is the Lead Agency, survey findings were submitted to the California State Historic Preservation

Office (SHPO) for review and comment.

- The DEIR includes letters of concurrence between Caltrans and the SHPO regarding the properties that will be considered resources under CEQA.
- In general, the cultural resources study looked at properties constructed before 1971.
- In the cultural resources study, potential historic resources within the APE and in the adjacent districts were evaluated for eligibility for listing in the National Register of Historic Places and the California Register of Historical Resources; properties were not evaluated for eligibility under the local ordinance.

The 2015 Phase 1 survey evaluated properties according to the contexts and themes outlined in the South Pasadena Historic Context Statement. Individual properties and potential historic districts were evaluated for designation at the federal, state, and local levels. Properties that have been designated or formally determined eligible were not re-evaluated as part of this effort.

¹¹ Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of

Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California, January 1, 2014.

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This survey was conducted according to current professional standards and procedures developed by the National Park Service and the California Office of Historic Preservation.

Data Management

All property-specific information has been compiled into an Access-based database that will become part of the database for the Citywide Historic Resources Survey (Phases 1, 2, and 3). The database includes baseline data for each property per the Los Angeles County Tax Assessor (address, Assessor Parcel Number, date of construction, and property type); California Historical Resources Status Codes ("Status Code") for properties listed in the City Inventory of Addresses¹² and/or the HRI, and previous evaluations, where applicable. The database is compatible with ARC GIS and therefore all survey findings can be linked to the City's GIS system.

Field Survey

Informed by knowledge of the City's historic periods of development and their associated themes and property types, a focused investigation of the Phase 1 Survey Area was conducted in May 2015. Factors of the analysis

included historic integrity, architectural style, neighborhood cohesion, and relationships to larger development patterns in the area.

Data gathered in the field includes a digital photograph, and the recordation of current use, number of stories, architectural style, and alterations. As all properties within the Phase 1 survey have been surveyed previously, architectural descriptions were not undertaken as part of this effort, consistent with requirements for updates to DPR forms.

Analysis

Analysis of the compiled data was conducted to determine the types of properties identified as potential resources in previous surveys and the associated integrity thresholds for each resource type. HRG evaluated each property according to the contexts, themes, eligibility standards, and integrity thresholds as outlined in the South Pasadena Historic Context Statement. The analysis considers rarity of type or style; historic association; and relationship to larger development patterns in the area.

Each surveyed property was evaluated for eligibility for listing in the National

¹² Note that the status codes in the City Inventory of Addresses date to 2003, before the SHPO updated all the codes. The codes in the database in the Inventory of Addresses field were entered as they currently

appear and therefore do not reflect the updated codes. All status codes assigned by HRG will be updated to be consistent with current codes.

Register, the California Register, and for local designation as an individual historic resource and/or as part of a historic district. Districts that may not retain sufficient integrity for designation as a historic district were also evaluated as potential planning districts. The evaluations include a brief statement of significance and the assignment of the appropriate Status Code.

Maps

Maps were produced from the survey data that identify the individually eligible properties, along with any potential historic districts. Standard preservation practice defines the boundaries of an historic property as the parcel on which an historic structure is situated.

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PHASE 1 SURVEY

Overview

There are approximately 325 properties within the APE for the 710 DEIR. In addition, more than 400 properties are located within potential historic districts partially located within the APE or immediately adjacent. The Phase 1 survey results for these properties are outlined in this section.

The majority of the properties within the Phase 1 Survey Area are residential; of these, most are single-family with some multi-family examples. Included within the Phase 1 Survey Area is the South Pasadena Commercial Historic District, which is listed in the National Register of Historic Places. With the exception of a small number of parcels, this district comprises all of the commercial properties within the Survey Area. As the commercial district is already designated, it was not re-surveyed as part of this effort.

The applicable contexts and themes used to evaluate properties within the Phase 1 Survey Area are:

- Context: Town Settlement and Late 19th Century Development (1870-1899)

Properties within the Survey Area evaluated under this context include single-family residences that are associated with the City's early development. During this period the City was incorporated, and some of

the earliest neighborhoods were established. Resources from this period are rare.

- Context: Early 20th Century Development (1900-1919)
 - Theme: Early Residential Development (1900-1919)

Residential development during this period was a major catalyst of growth in the City and neighborhoods of bungalows and two-story residences were constructed to accommodate the growing population.

- Context: 1920s Growth (1920-1929)
 - Theme: 1920s Residential Development (1920-1929)

In South Pasadena the 1920s represented a period of growth and prosperity.

- Context: Architecture and Design
 - Theme: Craftsman
 - Theme: Period Revival
 - Theme: Mid-Century Modern

Status Codes

Each property has been assigned the appropriate Status Code. These codes are used by the California State Office of Historic Preservation to reflect designations or eligibility for the National Register of Historic Places, the

California Register of Historical Resources, and for local designation.¹³

The State Office of Historic Preservation provides the following qualifying statement in its guidance for using the Status Codes:

*The status codes are broad indicators which, in most cases, serve as a starting place for further consideration and evaluations. Because the assigned status code reflects an opinion or action taken at a specific point in time, the assigned status code may not accurately reflect the resource's eligibility for the National Register, California Register, or local listing or designation at some later time. Individuals and agencies attempting to identify and evaluate historical resources need to consider the basis for evaluation upon which a particular code was assigned, i.e., date of evaluation, the reason and criteria applied for evaluation, the age of the resource at the time of evaluation, and any changes that may have been made to the resource that would impact its integrity.*¹⁴

A list of the current Status Codes established by the California Office of Historic Preservation can be found in Appendix A. The most commonly applied Status Codes in this survey are as follows:

- **3D/3CD/5D3**
Appears eligible for NR/CR /local as a contributor to an eligible district through survey evaluation.
- **3B/3CB/5B**
Appears eligible for NR/CR/local both individually and as a contributor to an eligible district through survey evaluation.
- **3S/3CS/5S3**
Appears eligible for NR/CR/local as an individual property through survey evaluation.
- **6L**
Determined ineligible for local listing or designation through local review process; may warrant special consideration in local planning.
- **6Z**
Found ineligible for local designation through survey evaluation.

¹³ Note that effective August 2003, the Status Codes were revised by the California Office of Historic Preservation.

¹⁴ California State Office of Historic Preservation, *Technical Assistance Bulletin #8*, 5-6.

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**SURVEY RESULTS: INDIVIDUALLY ELIGIBLE
HISTORIC RESOURCES**

Of the approximately 325 properties within the Phase 1 Survey Area, there are twenty properties that have been designated at the federal, state, or local levels; identified as eligible for local designation and are listed in the City's Inventory of Addresses; and/or identified as individually eligible for listing in the National or California Registers as part of the cultural resources study for the DEIR. These properties are identified in the list in Appendix B.

The Phase 1 survey identified an additional thirty-six properties that appear eligible for listing at the federal, state, and/or local levels within the Survey Area. These properties are identified in the list in Appendix C.

Designated and identified individual resources are included on the map in Figure 2.

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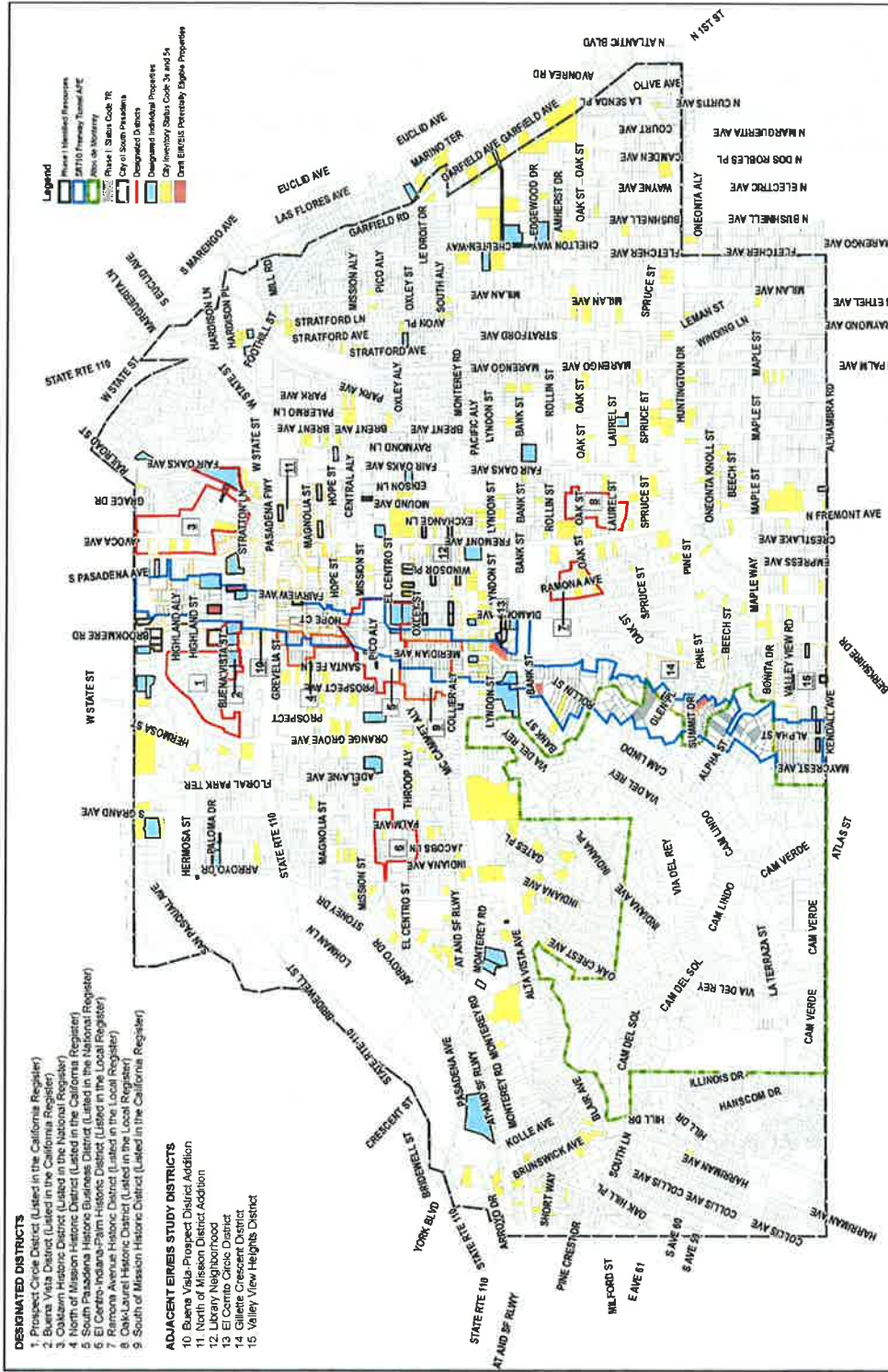


Figure 2: Designated and Identified Individual Resources

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HISTORIC DISTRICTS

Designated Historic Districts

There are five historic districts partially or wholly within the Phase 1 Survey Area that have been designated at the federal, state, or local levels. Designated districts have not been re-surveyed as part of this effort.

The designated districts are:

- Arroyo Seco Parkway Historic District
- North of Mission Historic District
- Oaklawn Historic District
- South of Mission Historic District
- South Pasadena Historic Business District

Identified Historic Districts

There are six historic districts that are wholly or partially within the APE/Phase 1 Survey Area that were determined eligible by previous surveys and are included in the City Inventory of Addresses.¹⁵ These same districts were re-evaluated as part of the cultural resources study for the EIR, and they

were surveyed by HRG as part of the Phase 1 survey. These districts are:

- El Cerrito Circle Historic District
- Valley View Heights
- Gillette Crescent Neighborhood
- Buena Vista/Prospect Addition
- Library Neighborhood
- North of Mission District Addition

Of these, the cultural resources study of the EIR determined that only the El Cerrito Circle Historic District meets eligibility criteria for listing in the National and California Registers. The SHPO concurred with this findings, with the exception of the Library Neighborhood Historic District, which per the SHPO is eligible for listing in the National Register. In accordance with Section 106 Programmatic Agreement Stipulation VIII.C.4, the SHPO is assuming that the Library Neighborhood Historic District is eligible for listing in the National Register for purposes of the project.¹⁶

¹⁵ There is one additional district, the Pasadena Avenue Historic District that is primarily in the City of Pasadena. There are only four parcels that are within this district that are located within the City of South Pasadena. These properties are listed in the City

Inventory of Addresses and are identified in the cultural resources study of the EIR. They were not re-surveyed as part of this effort.

¹⁶ Addendum, Historic Property Survey Report SR 710 North Study Project."

Phase 1 Historic Districts Survey Findings: Eligible Districts

As part of the Phase 1 survey, HRC reviewed all potential historic districts within or adjacent to the APE. HRC identified the following districts as eligible for listing at the federal, state, and/or local levels:

- El Cerrito Circle Historic District¹⁷
- Gillette Crescent Neighborhood¹⁸
- Library Neighborhood¹⁹

El Cerrito Circle Historic District

The El Cerrito Circle Historic District was determined eligible under the following contexts:

- Context: 1920s Growth (1920-1929); Theme: 1920s Residential Development
- Context: Architecture and Design; Theme: Period Revival Styles

The period of significance for the district is 1927-1931. There are ten properties within the boundary for the

district; of these, all ten (or 100%) are contributors to the district. The El Cerrito Circle Historic District represents an excellent and intact collection of single-family residential development dating to the late 1920s, and an excellent and intact collection of Period Revival architectural styles. The 1920s was a period of significant population growth in the City. The residential character established in the early 20th century continued in the 1920s, and there remains a strong collection of residential neighborhoods with examples from this period.

A map of the El Cerrito Historic District indicating contributors and non-contributors is included in Figure 3.



1307 Diamond Avenue. Contributor to the El Cerrito Circle Historic District.

¹⁷ Listed in the City Inventory of Addresses, identified as eligible in the cultural resources study of the DEIR; concurrence from HRC.

¹⁸ Listed in the City Inventory of Addresses; previously determined not eligible for listing in the National Register of Historic Places; identified as not eligible for the National or California Registers in the cultural

resources study of the EIR; identified by HRC as eligible for listing.

¹⁹ Listed in the City Inventory of Addresses; identified as not eligible in the cultural resources study of the DEIR; identified as eligible per the SHPO; HRC concurs with SHPO evaluation.

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Gillette Crescent Historic District

The Gillette Crescent Historic District was determined eligible under the following contexts:

- Context: 1920s Growth (1920-1929); Theme: 1920s Residential Development
- Context: Architecture and Design; Theme: Period Revival Styles

The period of significance for the district is 1920-1939. There are sixty-two properties within the district boundary; of these, 36 (or 58%) are contributors to the district. The Gillette Crescent Historic District represents an intact collection of single-family residential development dating to the late 1920s, and an excellent and intact collection of Period Revival architectural styles. The district represents a small enclave with an unusual street pattern and it retains a strong sense of time and place.

Note that the Gillette Crescent Neighborhood was originally identified in 1996 as part of a California Department of Transportation (Caltrans) survey. The Keeper of the National Register of Historic Places (National Register) determined it ineligible for listing in the National Register on February 24, 1997. It was re-surveyed in 2002 by PCR Services Corporation for the City of South Pasadena. The 2002 survey indicated

that it might be eligible for designation as a historic district under the local ordinance; however, the City has not formally designated it. In 2007-2008 the Gillette Crescent Neighborhood was subject to a re-survey under PRC 5024. Caltrans reaffirmed the Keeper's 1997 determination that it does not meet the criteria for inclusion in the National Register or the California Register of Historical Resources because of alterations to the historic street pattern, density, and spatial relationships. The related Historic Resources Evaluation Report (HRER) was updated in 2013 and the State Historic Preservation Officer (SHPO) re-affirmed the determination on October 25, 2013.

A map of the Gillette Crescent Historic District indicating contributors and non-contributors is included in Figure 4.



1701 Meridian Avenue. Contributor to the Gillette Crescent Historic District.

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

HISTORIC RESOURCES GROUP

Gillette Crescent Neighborhood District

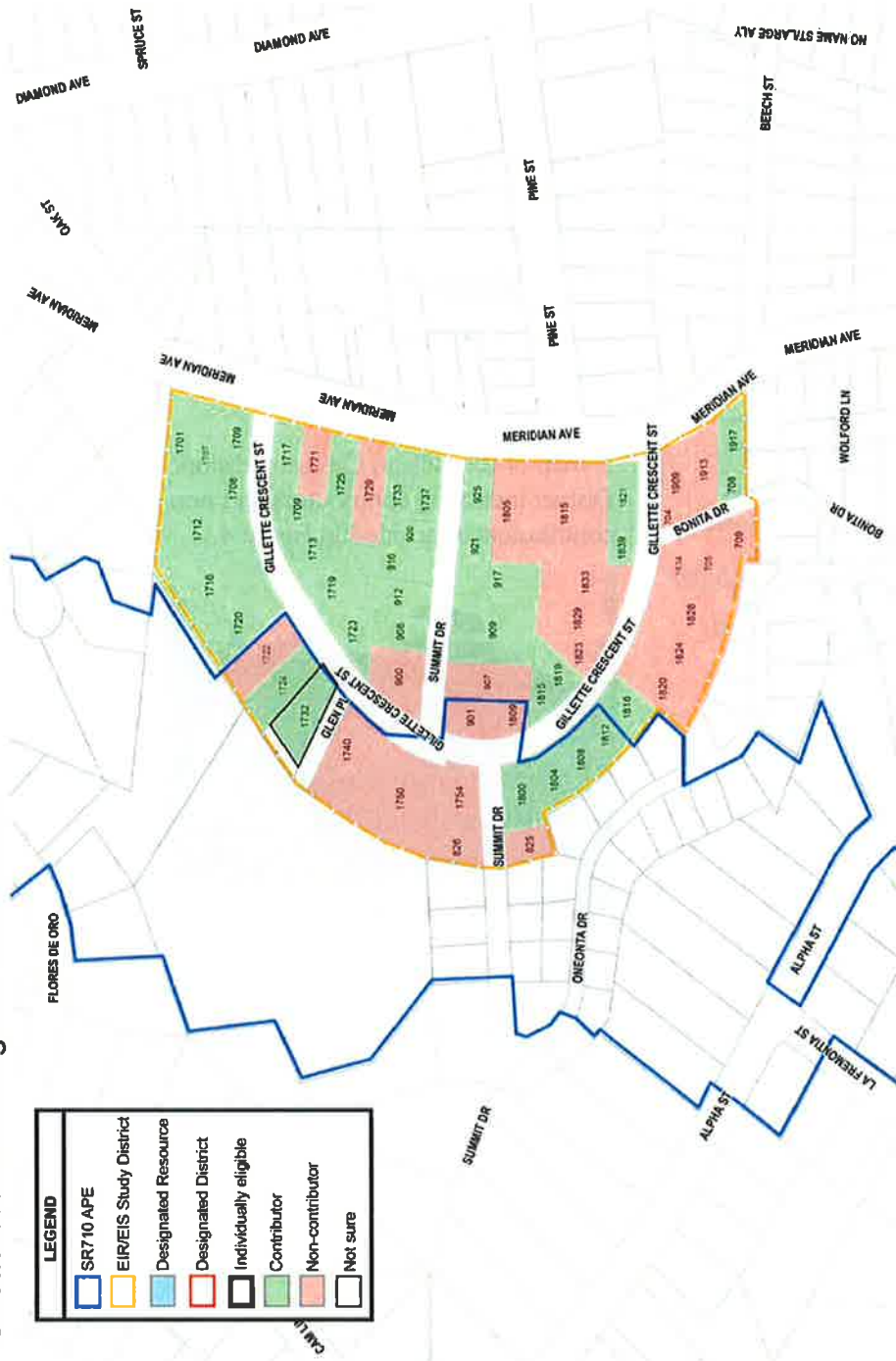


Figure 4: Gillette Crescent Historic District

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HISTORIC RESOURCES GROUP

Library Neighborhood Historic District

The Library Neighborhood Historic District was determined eligible under the following contexts:

- Context: Early 20th Century Development; Theme: Early 20th Century Residential Development
- Context: Architecture and Design; Theme: Craftsman

The period of significance for the district is 1900-1930. There are ninety-four properties within the district boundary; of these, sixty-five (or 69%) are contributors to the district. The Library Neighborhood Historic District represents an intact collection of single-family residential development dating to the early 20th century, and an excellent and intact collection of period architectural styles, primarily Craftsman. The first decades of the 20th century marked one of the greatest population increases in the history of South Pasadena, and development activity reflected the demand for single-family housing. During this period, the influence of the Arts and Crafts movement is reflected in South Pasadena's residential neighborhoods. The City retains intact streets and neighborhoods illustrating the importance of Arts and Crafts architecture and the role it played in residential development in the early 20th century. The Library

Neighborhood Historic District retains a strong sense of time and place and continues to reflect an important period in South Pasadena history.

A map of the Library Neighborhood Historic District indicating contributors and non-contributors is included in Figure 5.



T: Context view of the Library Historic District along Oxley Street.

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HISTORIC RESOURCES GROUP

Library Neighborhood

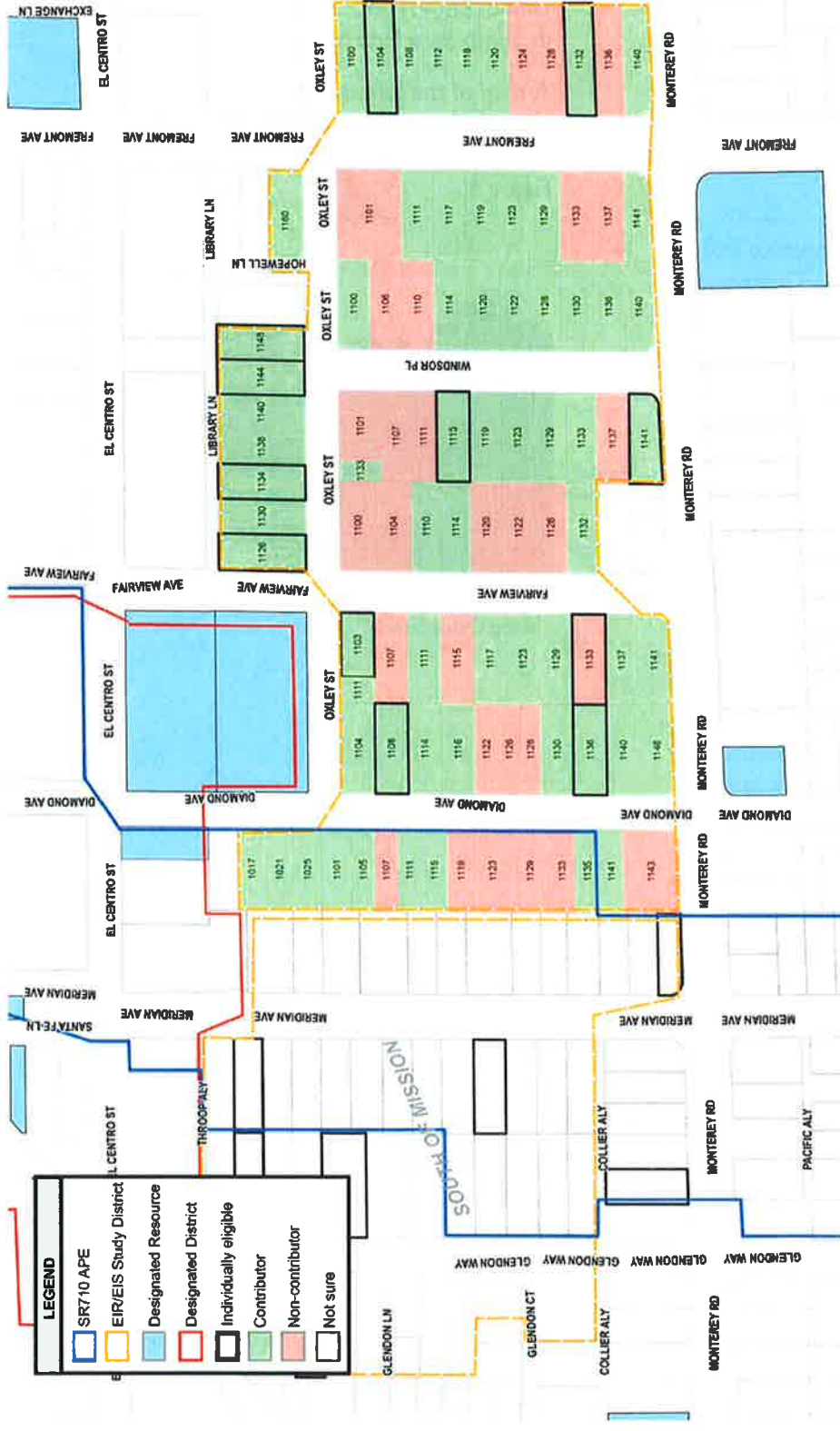


Figure 5: Library Neighborhood Historic District

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

HISTORIC RESOURCES GROUP

Phase 1 Historic Districts Survey Findings: Planning Districts

The following districts do not appear to retain sufficient integrity for designation as historic districts. However, each of these districts retains a sense of time and place, they all reflect important periods of development in the city's history, and they all retain characteristics or planning features that should be recognized. Therefore, it is recommended that the following districts be given consideration for local planning purposes (status code 6L):²⁰

- Valley View Heights
- Buena Vista/Prospect Addition
- North of Mission District Addition

Valley View Heights

Valley View Heights was evaluated as a potential historic district with a period of significance of 1906-1929. There are seventy-five properties located within the district boundary; of these, thirty-six (or 48%) are contributors. Therefore, the district does not retain sufficient integrity for designation at the federal, state, or local levels. However, due to the neighborhood's early period of development and the extant examples

of early 20th century single-family residences, it is recommended that Valley View Heights be considered a planning district by the City of South Pasadena.

Valley View Heights is a small tract located in the southern portion of South Pasadena adjacent to the El Sereno neighborhood of Los Angeles. It was located near the Berkshire Station and boasted a direct line to downtown Los Angeles. Transportation-related development played a critical role in the growth of South Pasadena in the early 20th century. Several significant residential tracts were subdivided during this period that advertised their proximity to the anticipated location of the Pasadena Short Line.

A map of Valley View Heights is included in Figure 6.



2057 Meridian Avenue. Located in Valley View Heights.

²⁰ Planning districts are for consideration by the local jurisdiction, but are not considered historical resources for purposes of CEQA.

Valley View Heights

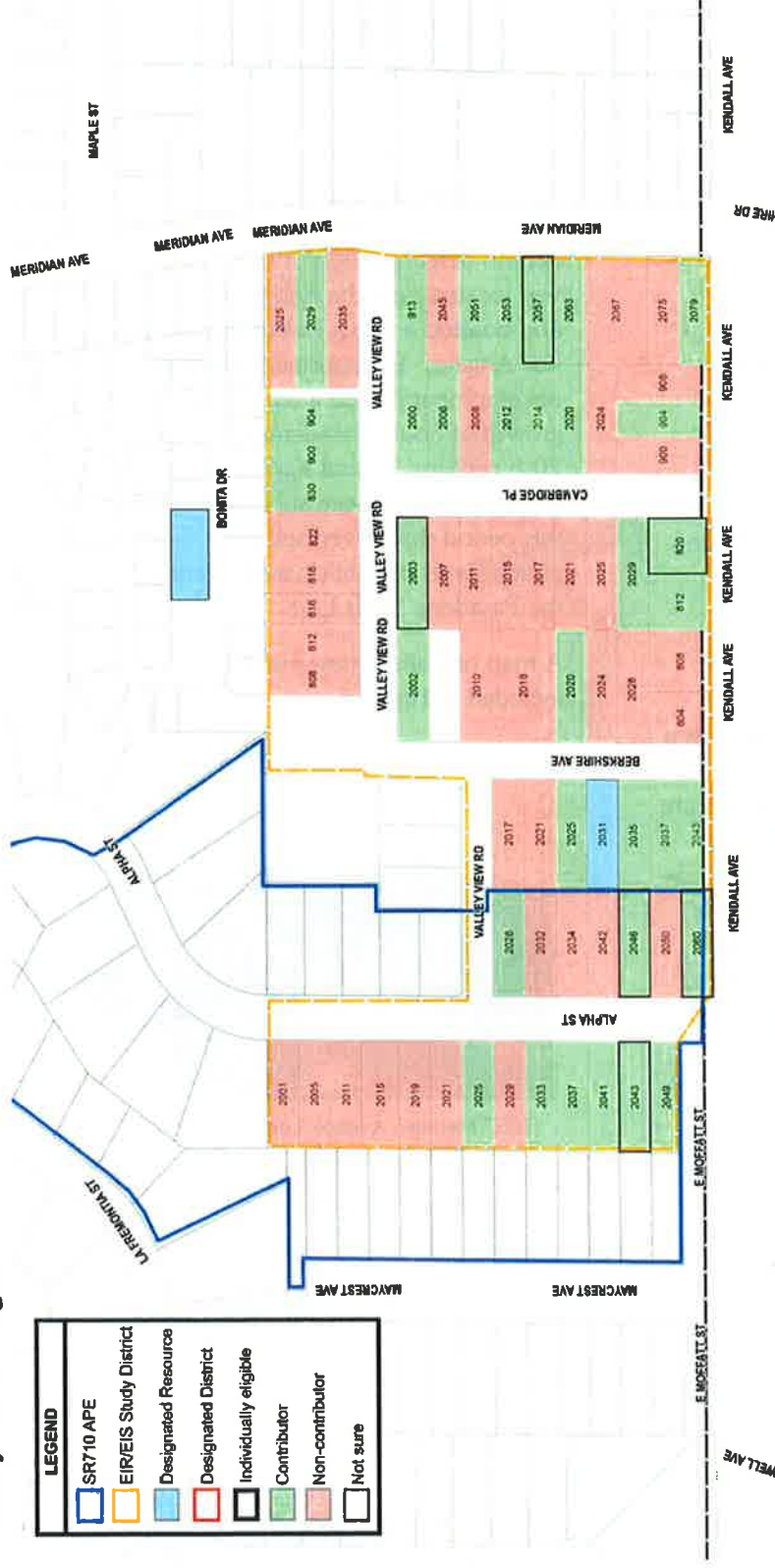


Figure 6: Valley View Heights Planning District

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HISTORIC RESOURCES GROUP

Buena Vista/Prospect Addition²¹

The Buena Vista/Prospect Addition was evaluated as a potential historic district with a period of significance of 1896-1939. There are 104 properties located within the district boundary; of these, thirty (or 29%) are contributors to the district. Within the identified district boundary are entire streets of infill development that do not relate to the original development context of the Buena Vista/Prospect neighborhood; these include Foothill Street and Fremont Avenue, which are primarily populated with modest one-story residences from the 1940s. As part of the analysis during the Phase 1 survey, HRC considered revising the district boundary in order to find a smaller district within this area; however, as indicated on the map, no smaller collection was identified.

The Buena Vista/Prospect neighborhood is a significant early neighborhood with a number of prominent, individually eligible residences. The neighborhood includes features such as stone retaining walls, original curbs and sidewalks, and mature street trees. However, due to the early period of development in the neighborhood and the extant examples of early 20th century single-family

residences, it is recommended that Valley View Heights be considered a planning district by the City of South Pasadena.

A map of Buena Vista/Prospect Addition is included in Figure 7.



930 Oliver Street. Located in Buena Vista Addition.

²¹ The potential Buena Vista/Prospect Addition Historic District is pending further discussion and

review of the nomination for local designation that has been submitted to the City.



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HISTORIC RESOURCES GROUP

North of Mission District Addition

The North of Mission District Addition was evaluated as a potential historic district with a period of significance of 1895-1929. There are 114 properties located within the district boundary; of these, fifty-nine (or 52%) are contributors. The North of Mission Addition is contiguous with the North of Mission Historic District, which has been formally determined eligible for listing in the National Register and is listed in the California Register. However, due to alterations to individual buildings within the North of Mission Addition and the interruption of the original street pattern and neighborhood cohesiveness by the rail line that cuts diagonally through the center of the district, it no longer appears eligible for designation at the federal, state, or local levels. However, due to the early period of development in the neighborhood and the extant examples of early 20th century single-family residences, it is recommended that the North of Mission District Addition be considered a planning district by the City of South Pasadena.

The North of Mission Addition represents a collection of single-family residential development dating to the late 19th and early 20th centuries, and represents a variety of period architectural styles, primarily Craftsman.

A map of North of Mission Addition is included in Figure 8.



712 Mound Avenue. Located in North of Mission Addition.



1038 Magnolia Street. Located in North of Mission Addition.

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HISTORIC RESOURCES GROUP

North of Mission District Addition

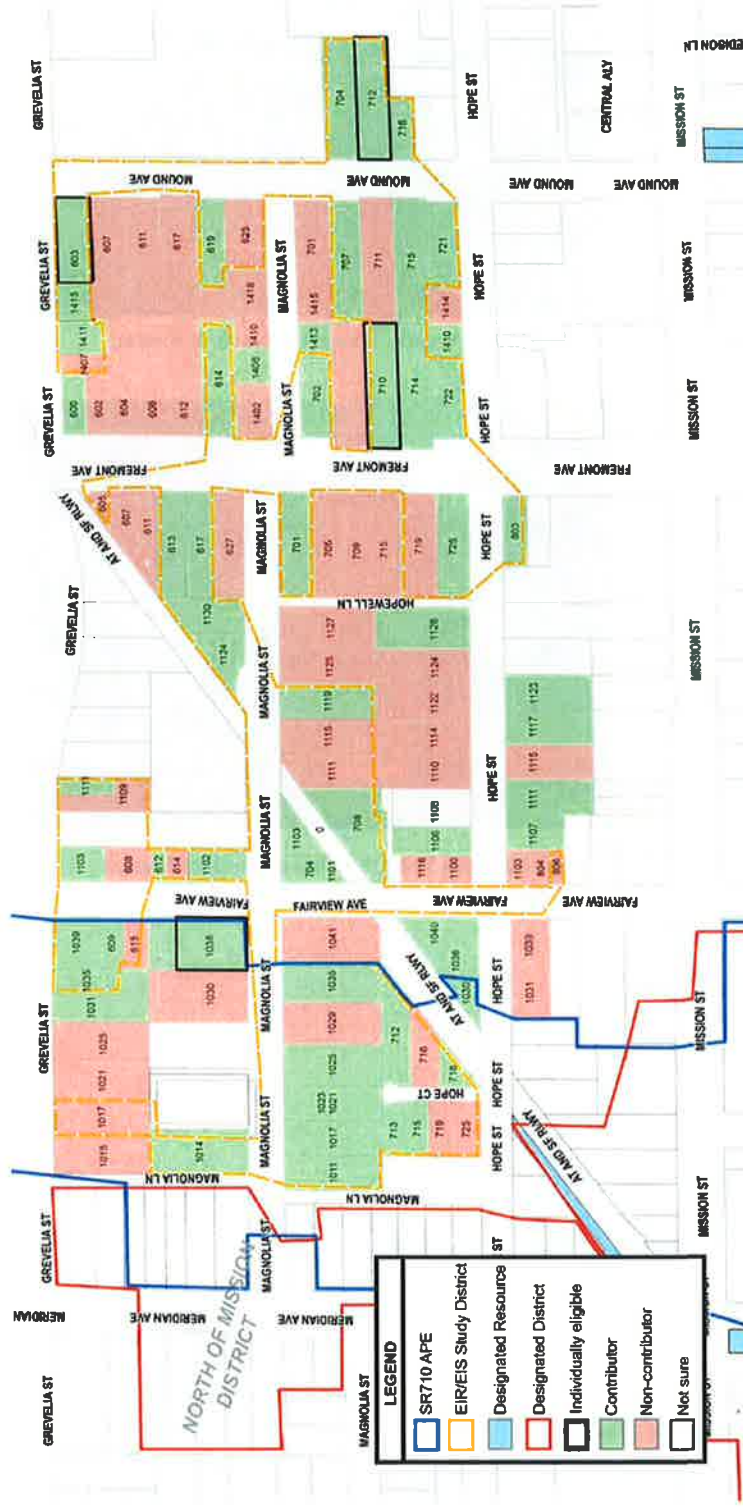


Figure 8: North of Mission District Addition Planning District

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City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

HISTORIC RESOURCES GROUP

Phase 1 Historic Districts Survey
Findings: Altos de Monterey

Altos de Monterey is the only large-scale, comprehensive residential development from the post-World War II period in South Pasadena. It was developed with single-family residences between 1953 and 1972. It is located almost wholly outside the APE; however, there is a small swath of properties that are part of the Altos de Monterey development that intersect with the APE. Based on preliminary reconnaissance of the area, it does not appear as though the entire Altos de Monterey development is eligible for designation as a historic district; however, additional fieldwork and research is required to make a final determination.

For purposes of the Phase 1 survey, individual residences that are excellent examples of Mid-Century-Modern architecture located within the Altos de Monterey development and the APE were surveyed and assigned the status code 7R.²²

A map of Altos de Monterey is included in Figure 9.



1870 Alpha Street. Located in Altos de Monterey.



1906 Alpha Street. Located in Altos de Monterey.

²² 7R indicates a property that was identified in a reconnaissance-level survey but not evaluated.

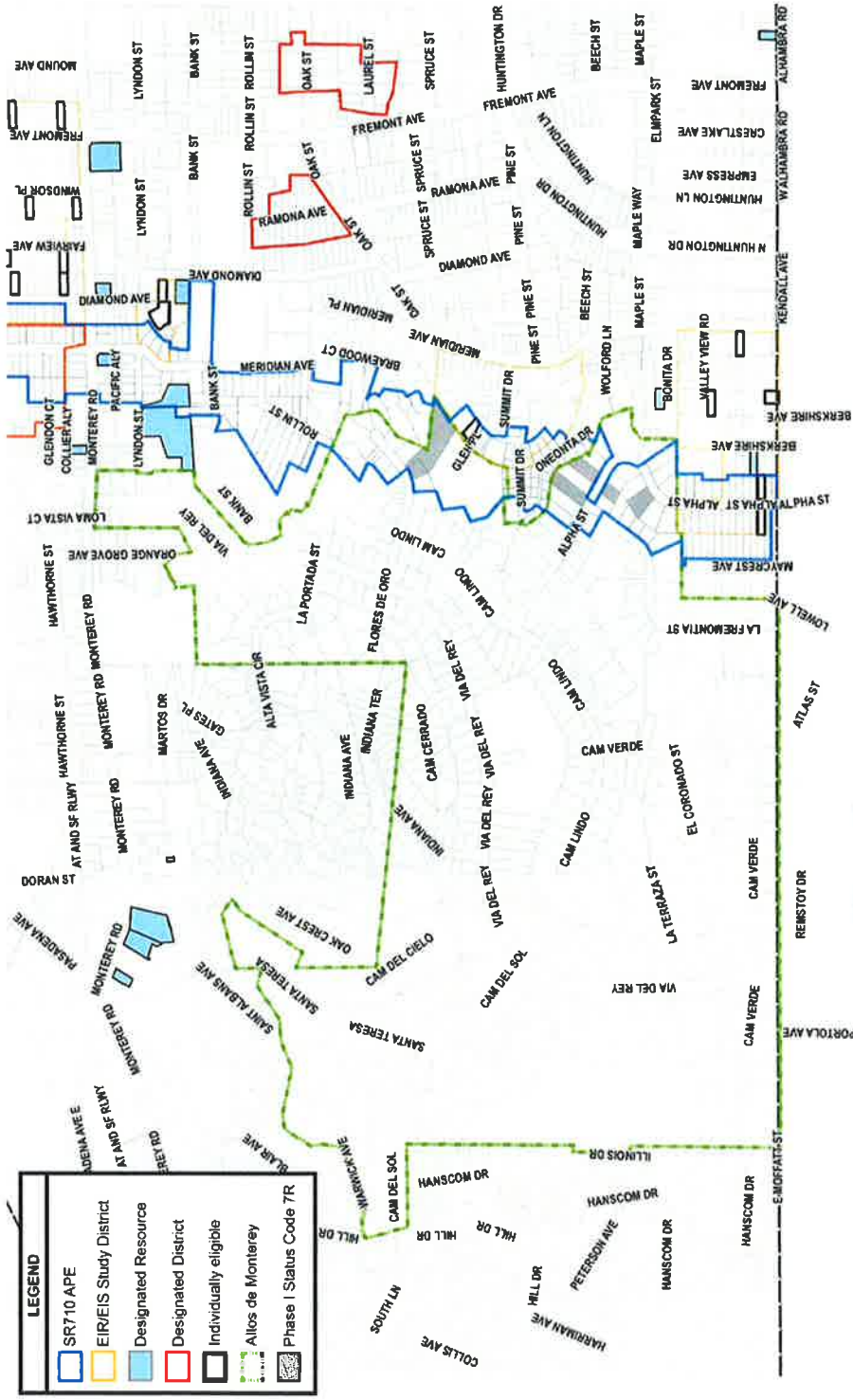


Figure 9: Altos de Monterey

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

City of South Pasadena: Historic Resources Survey

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HISTORIC RESOURCES GROUP

GLOSSARY OF TERMS

The following terms are used throughout this report. They describe established historic preservation concepts that are based in cultural resources law at the Federal, state, and local levels. These concepts have been codified in standards and guidelines developed by the National Park Service, the Department of the Interior, and professional practitioners, including historians, architects, archeologists, and urban planners.

California Historical Resource Status Code is the numerical system adopted by the California Office of Historic Preservation to classify Historic Resources that have been identified through a regulatory process or local government survey in the Statewide Historic Resources Inventory database maintained by the California Office of Historic Preservation.

Contributor is any building, structure, site, or object located within a designated Historic District which adds to the historical integrity or architectural qualities that make the Historic District significant. Contributors to designated Historic Districts are considered Historic Resources.

Designation is the act of recognizing, labeling, or listing a property as being historic. Properties may be designated at the Federal level as a National Historic Landmark or listed in the National Register of Historic Places, at the state

level as a California Historical Landmark, California Point of Historical Interest, or listed in the California Register of Historical Resources, or at the local level. Designation formally establishes by law or ordinance that a building or site has significance.

Historic Context is the area or domain within which a property has historic significance. Historic contexts allow for an understanding of how the property is a part of an important historic development or event.

A **Historic District** is a significant concentration, linkage or continuity of sites, buildings, structure or objects united historically or aesthetically by plan or physical development.

Historic Integrity is the ability of a property to convey its significance. It is the authenticity of a property's historic identity as evidenced by the survival of physical characteristics and materials that existed during the property's historic period.

Historic Resource is any building, structure, object, or site that is listed in or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, either individually or as a contributor to a Historic District; has been designated as a historic resource by the City of Fresno; meets at least one of the Criteria for Designating a

Historic Landmark; or is identified as a Contributor to a Historic District.

The **Historic Resources Inventory** is the list of buildings, structures, objects, or sites that are identified as Historic Resources or potential Historic Resources through survey or other evaluation; are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, the California Register, and the Statewide Historic Resources Inventory (with a California Historic Resource Status Code of 1-5); or are designated Historic Landmarks or Contributors to a Historic District by the City Council.

A **Historic Resources Survey** is the process by which a community's historic resources are identified and documented. A **reconnaissance-level survey** is a cursory look at an area with some general background research. Such a survey is typically used to broadly characterize the types of resources that would be found in an area, in order to guide future survey efforts. An **intensive-level survey** is a close and careful inspection of an area in order to precisely identify all historic resources in an area. Such a survey would include field observation, detailed background research, thorough documentation of all surveyed properties, and is typically accompanied by a historic context statement.

Historic Significance is the reason a property is important to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. Significance is defined by the area of history in which the property made an important contribution and by the period of time when these contributions were made. Establishing historic significance is necessary to demonstrate that a property has been evaluated within the proper historic context and according to appropriate, legally established criteria, such as those required for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local landmark program.

The **South Pasadena Inventory of Addresses** was adopted by the City Council on November 30, 1994. The Inventory of Addresses includes properties that are designated, formally determined eligible for federal, state, or local listing, or appear eligible for federal, state, or local listing. In accordance with the City's Cultural Heritage Ordinance, all properties on the Inventory are considered historic resources for the purposes of the California Environmental Quality Act (CEQA).

The **National Register of Historic Places** is the official inventory of sites, buildings, structures objects and districts significant in American history, architecture, archeology and culture and is maintained by the Secretary of the

City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

Non-contributor is any building, structure, or object located within a designated Historic District which does not add to the historical integrity or architectural qualities that make the Historic District significant. Non-contributors to designated Historic Districts are not considered Historic Resources.

A **Period of Significance** is the span of time during which a property was associated with important events, activities, or persons, or attained the characteristics that qualify it as historic. A resource may have more than one period of significance.

The **Secretary of the Interior's Standards and Guidelines** are the standards used in the preservation, rehabilitation, restoration, or reconstruction of a historic property. "The Standards" delineate accepted treatments for the protection and rehabilitation of historic materials.

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

HISTORIC RESOURCES GROUP

APPENDIX A: CALIFORNIA HISTORICAL RESOURCES STATUS CODES

California Historical Resource Status Codes	
1	Properties listed in the National Register (NR) or the California Register (CR)
1D	Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
1S	Individual property listed in NR by the Keeper. Listed in the CR.
1CD	Listed in the CR as a contributor to a district or multiple resource property by the SHRC
1CS	Listed in the CR as individual property by the SHRC.
1CL	Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.
2	Properties determined eligible for listing in the National Register (NR) or the California Register (CR)
2B	Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
2D	Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
2D2	Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
2D3	Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
2D4	Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
2S	Individual property determined eligible for NR by the Keeper. Listed in the CR.
2S2	Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
2S3	Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
2S4	Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
2CB	Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
2CD	Contributor to a district determined eligible for listing in the CR by the SHRC.
2CS	Individual property determined eligible for listing in the CR by the SHRC.
3	Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation
3B	Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
3D	Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
3S	Appears eligible for NR as an individual property through survey evaluation.
3CB	Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
3CD	Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
3CS	Appears eligible for CR as an individual property through survey evaluation.
4	Appears eligible for National Register (NR) or California Register (CR) through other evaluation
4CM	Master List - State Owned Properties – PRC §5024.
5	Properties Recognized as Historically Significant by Local Government
5D1	Contributor to a district that is listed or designated locally.
5D2	Contributor to a district that is eligible for local listing or designation.
5D3	Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.
5S1	Individual property that is listed or designated locally.
5S2	Individual property that is eligible for local listing or designation.
5S3	Appears to be individually eligible for local listing or designation through survey evaluation.
5B	Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.
6	Not Eligible for Listing or Designation as specified
6C	Determined ineligible for or removed from California Register by SHRC.
6J	Landmarks or Points of Interest found ineligible for designation by SHRC.
6L	Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
6T	Determined ineligible for NR through Part I Tax Certification process.
6U	Determined ineligible for NR pursuant to Section 106 without review by SHPO.
6W	Removed from NR by the Keeper.
6X	Determined ineligible for the NR by SHRC or Keeper.
6Y	Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
6Z	Found ineligible for NR, CR or Local designation through survey evaluation.
7	Not Evaluated for National Register (NR) or California Register (CR) or Needs Revaluation
7J	Received by OHP for evaluation or action but not yet evaluated.
7K	Resubmitted to OHP for action but not reevaluated.
7L	State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
7M	Submitted to OHP but not evaluated - referred to NPS.
7N	Needs to be reevaluated (Formerly NR Status Code 4)
7N1	Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
7R	Identified in Reconnaissance Level Survey: Not evaluated.
7W	Submitted to OHP for action – withdrawn.

12/8/2003

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City of South Pasadena: Historic Resources Survey Phase 1: SR 710 Area of Potential Effects

HISTORIC RESOURCES GROUP

APPENDIX B: DESIGNATED & PREVIOUSLY IDENTIFIED INDIVIDUAL RESOURCES

DRAFT

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

**City of South Pasadena: Historic Resources Survey
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HISTORIC RESOURCES GROUP

APPENDIX B: DESIGNATED AND PREVIOUSLY IDENTIFIED INDIVIDUAL RESOURCES

API#	Address	Direction	Prefix	Street	Suffix	Location	Year Built	Architectural Style	Additional Style	Signs (GIR)	City Inventory	NIR	PHASE I EVALUATION		
													HR	CR	Local
5314017001	857			BANK	STREET		1890	Queen Anne		252 (1995), 551 (1995)	252	7 (1993)			
5317008001	1030			BUENA VISTA	STREET		1936	American Colonial Revival		252	4X (Buena Vista/Prospect Addition)		3S	3CS	5S3
5317010033	1107			BUENA VISTA	STREET		1910	Craftsman		6Y, 551	4X (Buena Vista/Prospect Addition)				
5317010036	1109			BUENA VISTA	STREET		1904	Craftsman		252	4X (Buena Vista/Prospect Addition)		3S	3CS	5S3
5317011026	1120			BUENA VISTA	STREET					6Y, 3CS	4X (Buena Vista/Prospect Addition)		6Z	6Z	6L
5317010037	1133			BUENA VISTA	STREET		1912	Mediterranean Revival				252 (1983)			
5317012030	221			FREMONT	AVENUE		1908	Craftsman				252 (1983)			
5314022010	904			LYNDON	STREET		1923	Craftsman		6Y, 6L, 6Z	553	7R (2004)	6Z	6Z	6Z
5314023007	909			LYNDON	STREET		1896	Unknowns/Not visible		252 (1995)	252				
5314022008	914			LYNDON	STREET		1931	Spanish Colonial Revival		6Y, 6L, 6Z	553	7R (2004)	6Z	6Z	5S3
5314022006	920			LYNDON	STREET		1911	Craftsman		3S	553	7R (2004)	6Z	6Z	5S3
5315012024	1038			MAGNOLIA	STREET		1895	Shingle Style		6Y, 6Z, 5B	5B1		6Z	6Z	5S3
5315012035	600			MERIDIAN	AVENUE		1948	Minimal Traditional	International Style		25				
5319029011	1212			MERIDIAN	AVENUE		1923	Spanish Colonial Revival		6Y, 6L, 6Z	553		6Z	6Z	6Z
5315015030	904			MONTEREY	ROAD		1885	Queen Anne		6Y, 6L, 6Z	553		6Z	6Z	5S3
5314022005	921			MONTEREY	ROAD		1912	Craftsman		252 (1983)	25	252 (1983)			
5314022004	915			MONTEREY	ROAD		1913	Craftsman		6Y, 6L, 6Z	553		6Z	6Z	6Z
5314022005	921			MONTEREY	ROAD		1912	Craftsman		252 (1983)	25	252 (1983)			
5319029033	1003			MONTEREY	ROAD		1890	Folk Victorian		6Y, 6L, 6Z	553		6Z	6Z	6Z
5314017021	829			ROLLIN	STREET		1912	No style		6Y, 6L, 6Z	553		6Z	6Z	6Z

APPENDIX C: INDIVIDUAL RESOURCES IDENTIFIED BY THE PHASE 1 SURVEY

ADMINISTRATIVE DRAFT REPORT – FOR INTERNAL REVIEW

**City of South Pasadena: Historic Resources Survey
Phase 1: SR 710 Area of Potential Effects**

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EXHIBIT C: INDIVIDUAL RESOURCES IDENTIFIED BY THE PHASE I SURVEY

APN	Address	Direction	Profile	Street	Route	Location	Year Built	Architectural Style	Additional Style	City/County	Inventory	HIS	PHASE I EVALUATION		
													NR	CR	Local
5310016021	2033			ALPHA	STREET		1922	Craftsman		6Y, 6Z	SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310016024	2043			ALPHA	STREET		1912	Craftsman		6Y, 6Z	SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310017010	2046			ALPHA	STREET		1912	Craftsman		6Y, 6L, 6Z	SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310016025	2049			ALPHA	STREET		1910	Craftsman		6Y, 6Z	SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310017008	2060			ALPHA	STREET		1906	Craftsman		6Y, 6Z	SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310017004	2031			BERKSHIRE	AVENUE		1914	Craftsman			SB1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
	2035			BERKSHIRE	AVENUE		1905	Neoclassical Cottage				6Y (1997)	6Z	6Z	SS3
5317010036	1109			BUENA VISTA	STREET		1904	Craftsman			4X (Buena Vista Prospect Addition)		3S	3CS	SS3
5310018020	2003			CAMBRIDGE	PLACE		1912	Craftsman	Craftsman, Japanese-influenced		SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310019019	2006			CAMBRIDGE	PLACE		1914	Craftsman			SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310019015	2020			CAMBRIDGE	PLACE		1910	Craftsman			SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5317007012	1001			COLUMBIA	STREET		1931	American Colonial Revival				6Y (1995)	3S	3CS	SS3
5315006058	1103			FAIRVIEW	AVENUE		0	Craftsman			SD1 (Library Neighborhood)		3B	3CB	SB3
5315006065	1133			FAIRVIEW	AVENUE		1965	Mid-century Modern					3B	3CB	SB3
5317012030	221			FREMONT	AVENUE		1908	Craftsman							
5315002014	710			FREMONT	AVENUE		1891	Craftsman					6Z	6Z	SS3
5315004036	1104			FREMONT	AVENUE		1904	Craftsman, English influenced			SD1 (Library Neighborhood)		3B	3CB	SB3
5315004029	1132			FREMONT	AVENUE		1928	Monterey Colonial Revival			SD1 (Library Neighborhood)		3B	3CB	SB3
5317008014	1020			HIGHLAND	STREET		1927	Mediterranean Revival					3S	3CS	SS3
5310019003	2051			MERIDIAN	AVENUE		1904	Dutch Colonial Revival			SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310019005	2057			MERIDIAN	AVENUE		1917	Craftsman			SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5310019006	2063			MERIDIAN	AVENUE		1911	Craftsman			SD1 (Valley View Heights)	6Y (1997)	6Z	6Z	SS3
5315015030	904			MONTEREY	ROAD		1885	Queen Anne		6Y, 6L, 6Z	SS3		6Z	6Z	SS3
5315001048	603			MOUND	AVENUE		1913	Craftsman			SD1 (North of Mission District Addition)		6Z	6Z	SS3
5315002062	712			MOUND	AVENUE		1895	Folk Victorian			SD1 (North of Mission District Addition)		6Z	6Z	SS3
5317008009	820			OLIVER	STREET		1935	American Colonial Revival					3S	3CS	SS3
5317008010	824			OLIVER	STREET		1908	Craftsman					3S	3CS	SS3
5317008011	830			OLIVER	STREET		1912	Craftsman					3S	3CS	SS3
5315007029	1126			OXLEY	STREET		1906	Craftsman			SD1 (Library Neighborhood)		3B	3CB	SB3
5315007027	1134			OXLEY	STREET		1914	Craftsman, Japanese-influenced			SB1 (Library Neighborhood)		3B	3CB	SB3
5315007025	1140			OXLEY	STREET		1907	Craftsman			SD1 (Library Neighborhood)		3B	3CB	SB3
5315007024	1144			OXLEY	STREET		1908	Craftsman			SD1 (Library Neighborhood)		3B	3CB	SB3
5315005041	1115			WINDSOR	PLACE		1906	Shingle Style			SD1 (Library Neighborhood)		3B	3CB	SB3
5315005047	1111			WINDSOR	PLACE		1911	Craftsman			SD1 (Library Neighborhood)		3B	3CB	SB3

ATTACHMENT 4

City of South Pasadena Resolution Number: 7420

RESOLUTION NO. 7420

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
DECLARING THE CITY'S OFFICIAL POSITION ON
THE SR-710 NORTH STUDY DRAFT ENVIRONMENTAL
IMPACT REPORT AND ENVIRONMENTAL IMPACT
STATEMENT, SUPPORTING A COMMUNITY-BASED
TRANSPORTATION PLAN, AND RESCINDING
RESOLUTION NO. 7172**

WHEREAS, for approximately sixty years, the California Department of Transportation (Caltrans) and its predecessor, the Division of Highways, have proposed freeway routes that impose unacceptable impacts and irreparable harm to the City of South Pasadena (City) and other cities, and the South Pasadena City Council has consistently and vigorously opposed the proposed State Route 710 (SR-710) North Extension; and

WHEREAS, in 1998, the Federal Highway Administration (FHWA) adopted a Record of Decision, and the California Transportation Commission (CTC) filed a Notice of Determination, certifying environmental compliance for, and approving the federal and state funding of the SR-710 North Extension Meridian Route with Berkshire Shift; and

WHEREAS, the City, National Trust for Historic Preservation, and other parties timely challenged these approvals in the United States District Court; and

WHEREAS, in 1999, the United States District Court in *City of South Pasadena v. Slater* issued a preliminary injunction, based on adjudicated violations of federal law, which prohibited Caltrans from construction and right-of-way acquisition within the corridor; and

WHEREAS, in 2003, FHWA rescinded its 1998 Record of Decision for the SR-710 North Extension Meridian Route with Berkshire Shift, citing such changes in project circumstances as funding uncertainty and the opening of the Los Angeles County Metropolitan Transportation Authority (Metro) Gold Line to Pasadena, and requiring a more thorough analysis evaluation of the feasibility of a bored tunnel; and

WHEREAS, in 2011, by Chapter 439, 2011 Statutes, the California Legislature repealed Section 100.4 of the Streets and Highways Code, thereby restoring to South Pasadena and other cities in the SR-710 corridor their right to require a freeway agreement from Caltrans as a condition of freeway construction; and

WHEREAS, prior to enactment of Chapter 468, 2013 Statutes, the following public officials and reports declared that the surface route SR-710 North Extension will

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never be built because of its unacceptable environmental impacts: Mark Pisano, Former Executive Director, Southern California Association of Governments (SCAG); Doug Failing, Former District 7 Director, Department of Transportation (Caltrans); Barbara Messina, Current Vice Mayor, City of Alhambra; Gilbert Cedillo, Former Senator, 22nd District, California Senate; Mike Eng, Former Assembly Member, 49th District, California State Assembly; and legislative committee reports; and

WHEREAS, Chapter 468, 2013 Statutes eliminated the proposed SR-710 surface route (Alternative F-6 in the Metro Alternatives Analysis) from future consideration as a "feasible" alternative under any state environmental review process; and

WHEREAS, on May 13, 2015, the U.S. District Court dismissed *South Pasadena v. Slater* pursuant to a stipulation by plaintiffs and federal and state defendants that a surface 710 Freeway is "rendered infeasible"; and

WHEREAS, while SCAG removed the surface route SR-710 North Extension from the regional transportation plan, it wrongfully included a bored tunnel (tunnel) to extend the SR-710 from its northern terminus at Valley Boulevard in the El Sereno community of the City of Los Angeles to the 210 freeway in the City of Pasadena as a "constrained" project, despite the failure of the tunnel to meet the federal criteria of a "constrained" project; and

WHEREAS, Metro included \$780 million for an SR-710 tunnel or other San Gabriel Valley projects in Measure R, the sales tax initiative that was passed in November 2008, identified \$172 million in Congestion Mitigation and Air Quality Improvement (CMAQ) funds, and has a funding shortfall of \$5.1 billion based on the original project cost estimate of \$6 billion; and

WHEREAS, Senate Bill 743 creates a process to change the way that transportation impacts are analyzed under the California Environmental Quality Act, to reduce greenhouse gas emissions by focusing on reduced vehicle miles traveled, rather than focusing on level of service, in an adequate Environmental Impact Report/Environmental Impact Statement (EIR/EIS); and

WHEREAS, on June 12, 2014, Caltrans and Metro entered into a Cooperative Agreement to delegate from Caltrans to Metro federal responsibilities delegated to Caltrans from the Federal Highway Administration, including the National Environmental Policy Act (NEPA) requirements to prepare an EIS, conduct public hearings and outreach on behalf of Caltrans; and

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WHEREAS, Caltrans, as Lead Agency, and Metro have released the SR-710 North Study Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) without a selected preferred alternative and represent that they will identify a preferred alternative after the close of the public comment period; and

WHEREAS, the City, National Trust for Historic Preservation, Sierra Club, Natural Resources Defense Council, Trust for Public Land, Environment Defense Fund, California Public Interest Research Group, Friends of the Earth, Taxpayers for Common Sense, and others are on record in favor of an effective and affordable transportation solution to improve travel within the region, protect the environment, provide jobs, preserve affordable housing, and preserve historic resources; and

WHEREAS, the City entered into a Memorandum of Understanding with the Cities of Glendale, La Cañada Flintridge, Pasadena, and Sierra Madre to execute four professional services agreements for consulting services to develop a formal comment letter on behalf of the 5-Cities Alliance regarding the Draft EIR/EIS; and

WHEREAS, during the December 11, 2013, Meeting of the California Transportation Commission, Doug Failing, Former Executive Director, Metro; and Carrie Bowen, District 7 Director, Caltrans, stated that the Cost Benefit Analysis (CBA) would be released concurrently with the Draft EIR/EIS; and Caltrans and Metro failed to release the CBA until June 19, 2015; and

WHEREAS, the "purpose and need" identified in the Draft EIR/EIS provides a flawed understanding of the transportation needs of the region, stating that the purpose of the project is to "reduce congestion on local arterials adversely affected due to accommodating regional traffic volumes" while Metro's San Gabriel Valley Council of Governments' Mobility Matrix identified that "about 70 percent of weekday person trips consist of trips occurring entirely within the San Gabriel Valley"; and

WHEREAS, the purpose and need statement wrongfully includes the purpose of improving "efficiency of the existing regional freeway and transit network," when the only alternative that can be characterized as a freeway is the Tunnel Alternative; and

WHEREAS, the Draft EIR/EIS specifies that only Caltrans can serve as lead agency for the Tunnel Alternative, and Metro as lead agency for the other alternatives, thus enabling Caltrans to select only the Tunnel Alternative, even though the Tunnel Alternative proponent appears to be Metro and not Caltrans; and

WHEREAS, the Transportation System Management and Transportation Demand Management (TSM/TDM) Alternative includes some projects that would benefit the City, such as signal synchronization and the regionally significant SR-110/Fair Oaks Avenue Hook Ramps, other projects have not been vetted by the local jurisdictions and communities in which they reside; and

WHEREAS, the Bus Rapid Transit Alternative (BRT) fails to minimize impacts on local businesses, permanent and temporary removal of parking, and traffic flow; and

WHEREAS, the Light Rapid Transit (LRT) Alternative fails to provide adequate connectivity to the existing transit network, does not enhance transit opportunities for transit-dependent populations, would place two unnecessary subterranean stations in the City of South Pasadena, and has disproportionately negative impacts to the visual character in East Los Angeles; and

WHEREAS, the Tunnel Alternative includes six variations: single-bore with tolls and with trucks, single-bore with toll and without trucks, single-bore with toll, with trucks and with express bus, dual-bore with no toll and with trucks, dual-bore with no toll and with no trucks, and dual-bore with toll and with trucks; will range from \$3.2-5.7 billion in total project costs; will increase vehicle miles traveled; and will result in only approximately 7-13 percent of all motorists receiving a time savings of 2.5 minutes or less; and

WHEREAS, Tunnel Alternative proponents suggest that a tunnel would be financed through a Public Private Partnership (PPP) and that the tunnel would be operated as a toll facility that would primarily serve truck traffic from the Ports of Los Angeles and Long Beach, and yet several privately-funded toll roads in Southern California have become insolvent or bankrupt, requiring further public investment exceeding the originally estimated project costs; and

WHEREAS, many proposed transit projects in Los Angeles County would serve the region's interests better than the proposed Tunnel Alternative, which if built, would eliminate funding opportunities for other regionally significant projects; and

WHEREAS, City Council Resolution No. 7172 reiterates its opposition to the SR-710 North Extension and support for further development and implementation of a fiscally and environmentally responsible multi-modal alternative; and

WHEREAS, on February 21, 2015, the City identified that to "eliminate the 710 freeway tunnel and improve local and regional mobility" was one of its five goals developed during the Fiscal Year 2015-2016 Strategic Planning Update Session; and

WHEREAS, the City has joined the Connected Communities Coalition, which has developed the Beyond the 710 initiative, a community-based transportation initiative that attempts to accurately identify the transportation needs of the region and address those needs through a multi-modal plan that is environmentally and financially responsible; and

WHEREAS, the Cities of Glendale, La Cañada Flintridge, Los Angeles, Pasadena, and Sierra Madre oppose a Tunnel Alternative.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The South Pasadena City Council does hereby rescind Resolution No. 7172, which contained the City's official position on the SR-710 North Extension as of July 20, 2011.

SECTION 2. The South Pasadena City Council does hereby oppose the proposed No Build Alternative of the Draft EIR/EIS, which does not address the transportation needs of the region, and instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

SECTION 3. The South Pasadena City Council does hereby oppose the proposed TSM/TDM Alternative of the Draft EIR/EIS, which fails to minimize impacts on local businesses and permanent removal of parking; and instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

SECTION 4. The South Pasadena City Council does hereby oppose the proposed BRT Alternative of the Draft EIR/EIS, which fails to minimize impacts on local businesses, permanent and temporary removal of parking, and traffic flow and instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

SECTION 5. The South Pasadena City Council does hereby oppose the proposed LRT Alternative of the Draft EIR/EIS, which fails to provide adequate connectivity to the existing transit network, does not enhance transit opportunities for transit-dependent populations, would place two unnecessary subterranean stations in the City of South Pasadena, and create disproportionately negative impacts to visual character in East Los Angeles, and instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

SECTION 6. The South Pasadena City Council does hereby oppose any of the Tunnel Alternative variations: single-bore or dual-bore, toll or no toll, truck or no truck, express bus or no express bus, to extend the SR-710 freeway from Valley Boulevard in the City of Los Angeles to the 210 freeway in the City of Pasadena, and instead supports the development of a fiscally and environmentally responsible alternative that includes a multi-modal transportation system.

SECTION 7. The South Pasadena City Council reiterates its support for the development of a fiscally and environmentally responsible alternative that includes a

multi-modal transportation system that provides greater mobility options for residents throughout the San Gabriel Valley; directs Staff to continue to work with neighboring jurisdictions to develop such an alternative and submit it to Federal Transit Administration (FTA), Caltrans, and Metro during the public comment period; and further requests that this alternative be pursued by the Governor, the California State Legislature, SCAG, Caltrans, Metro and others, rather than an extension of the SR-710 by way of the Tunnel Alternative.

SECTION 8. The South Pasadena City Council does hereby oppose any proposed transportation sales tax measure (Measure R2) that will include the SR-710 North Extension and requests that Metro remove the SR-710 North Extension from any project lists associated with a new sales tax measure.

SECTION 9. The South Pasadena City Council requests that the Governor of California, the California State Legislature, Caltrans, SCAG, Metro, and others work with the City of South Pasadena, the City of Pasadena, and the El Sereno representatives of the City of Los Angeles, and others, to further refine and implement the strategies identified in the Beyond the 710 Initiative.

SECTION 10. Staff is directed to distribute this resolution to all interested parties and urges other cities, elected officials, regional agencies and organizations to support the development and implementation of a multi-modal transportation plan.


SECTION 11. This resolution shall become effective immediately upon its adoption.

SECTION 12. The City Clerk of the City of South Pasadena shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

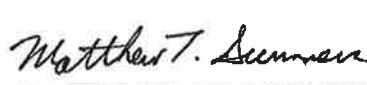
PASSED, APPROVED AND ADOPTED ON this 15th day of July, 2015.


Robert S. Joe, Mayor

ATTEST:


Evelyn G. Zneimer, City Clerk
(seal)

APPROVED AS TO FORM:

 Deputy City Attorney
Teresa L. Highsmith, City Attorney

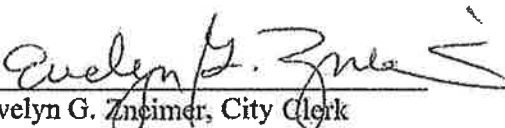
I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 15th day of July, 2015, by the following vote:

AYES: Cacciotti, Khubesrian, Mahmud, Schneider, and Mayor Joe

NOES: None

ABSENT: None

ABSTAINED: None



Evelyn G. Zneimer, City Clerk
(seal)

